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VOLUME 223

The Reception of Bodin

Edited by
Howell A. Lloyd



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PREFACE

This volume is one of the principal outputs of a collaborative research project funded by the United Kingdom's Arts and Humanities Research Council. The outputs include, in addition to the present volume, a website, "The Bodin Project", now publicly accessible. The web-site contains copies in portable document format (pdf) of Jean Bodin's main publications, analyses of his sources, links to other contemporary works, and a cumulative bibliography. Its construction is being facilitated through the on-going collaboration of participants in the project who have also contributed to the present volume. All in all, we may justifiably claim to have satisfied the requirements of the AHRC's 'Research Networks and Workshops' scheme under the terms of which our funding was awarded.

The award enabled us to hold two workshops, both hosted at the University of Hull. At the first workshop agenda-setting papers were delivered by two of the participants, Peter Burke and Marie-Dominique Couzinet. We also heard a stimulating and enlightening paper by Mario Turchetti of Fribourg, on the challenges of preparing his bi-lingual edition (French and Latin, the two original languages) of Bodin's masterpiece, *Les Six livres de la république* (*De republica libri sex*). The rest of the workshop was devoted to informal discussions in specialist groups, each deliberating on one of Bodin's three principal texts, the *Methodus*, the *République* and the *Démonomanie*, and then reporting back in plenary session. The papers published as chapters in the present volume, drafts of all of which were presented and discussed at our second workshop, may be reckoned at least in part to be fruits of those early exchanges.

In addition to the authors of these chapters, the following colleagues participated in the project as discussants at our first workshop: Timothy Chesters (Royal Holloway College, London), Diego Ramada Curto (Lisbon), Colin Davis (East Anglia), Philippe Desan (Chicago), Ralph Häfner (Tübingen), Lorna Hardwick (Open University), Simon Hodson (JISC), Kenneth D. McRae (Carleton), Ignacio Massot (Barcelona), Wolfgang, E. J. Weber (Augsburg). Their input contributed valuably to our deliberations, as did the papers already mentioned. All in all, the workshops succeeded in generating a remarkably lively and purposeful spirit, traces of which we hope are still apparent in the volume itself.

viii PREFACE

All members of the project group wish to express their appreciation of the excellent facilities and support provided for them by the University of Hull. As convenor and, now, editor I should like especially to record my thanks to two friends, Glenn Burgess and Mark Greengrass, who despite other heavy commitments have been an invaluable source of advice and encouragement from the moment of the project's conception. For help with the website I am particularly grateful to Ann Blair. I am also indebted to the artist Andre Martins de Barros for the present volume's cover illustration, reproduced from an original painting which seems to capture an essential and inescapable truth: that 'the reception of Bodin' was dependent upon the transmission of ideas very largely through the medium of the printed book and the agency of printers and booksellers.

Howell A. Lloyd University of Hull March 2013

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INTRODUCTION

Howell A. Lloyd

The papers constituting *The Reception of Bodin* are the product of discussions, presentations and debates in which the members of an international and interdisciplinary team of scholars have engaged in face-to-face workshops and by other means. We have aimed to treat Bodin as what might be termed a prismatic agent in the transmission of ideas. We have approached him, on the one hand, as recipient of knowledge drawn from ancient and contemporary, literary and historical, legal, religious and philosophical sources—materials which he amplified from his personal inquiries and experiences, and adapted and deployed in the light of his own priorities and purposes. We have viewed him, on the other, as communicator of information and ideas which he formulated, re-formulated and amplified over a writing career of some forty years: outputs that were received in various contexts, interpreted from various standpoints and adopted for various purposes by readers during and after his own time. We have endeavoured to take account of the complexity and hazards of the processes involved. Awareness of such hazards is nothing new. According to Bodin's near-contemporary Francis Bacon, the "tradition or deliverie" of knowledge involves a "method of tradition" which readily induces "a kinde of Contract of Errour betweene the Deliuerer and the Receiuer".1 The opinion touches on a problem in hermeneutics, a field rich in insights and analytical techniques for interpreting texts which modern philosophers and literary theorists have cultivated much more assiduously even than historians attentive to methodological issues (such as exponents of Begriffsgeschichte or proponents of the so-called 'Cambridge School').²

¹ Francis Bacon, *Of the Proficience and Advancement of Learning, Divine and Humane* (London: Henrie Tomes, 1605), fos. 59, 62.

² For *Begriffsgschichte*—literally, the 'history of concepts'—see Melvin Richter, *The History of Political and Social Concepts: a Critical Introduction* (Oxford: Oxford University Press, 1995). For examples of the methodologies associated with the so-called 'Cambridge School' of historians of ideas, see Quentin Skinner, *Visions of Politics*, vol. 1: *Regarding Method* (Cambridge: Cambridge University Press, 2002); J. G. A. Pocock, *Political Thought and History: Essays on Theory and Method* (Cambridge: Cambridge University Press, 2009).

Considerations such as these have informed the project from which the present volume has sprung. Through it we have sought to contribute to knowledge of the dynamics of cultural continuity and change in the context of 'early-modern' Europe. We have elected to do so not by adopting ab initio a generalized or thematic approach of the kind often followed in this field.³ Rather, we have focused our collective attention upon a single thinker and his fortunes—or, at least, the fortunes of some of his works.⁴ But why Bodin? Surely the question is easily answered. In the turbulent intellectual history of 'early-modern' Europe, Jean Bodin ranks as a major and controversial figure whose ideas in the fields of moral philosophy, jurisprudence, comparative history and a great deal else continue to attract scholarly research and to provoke wide disagreement. Bodin, we are advised, ranks as "the Aristotle, the Montesquieu of the sixteenth century"—a rhetorical flourish that seems less hyperbolical when set alongside the observation of the contemporary scholar and writer Gabriel Harvey, that "you cannot stepp into a scholars studye but (ten to one) you shall litely find open ether Bodin *De republica* or Le Royes Exposition upon Aristotles Politique Discourses". 5 As for continuing disagreement, this springs partly from the scope and complexity of Bodin's thought, from the uses he made of the extraordinary range of sources upon which he drew, from the intricacies of his expository techniques, as well as from the diverse ways in which his contemporaries and successors construed and applied what they derived from his publications. All of these features and more receive attention in the essays of which the present volume is composed.

³ For example, Donald R. Kelley, "'Second Nature': the Idea of Custom in European Law, Society and Culture", in *The Transmission of Culture in Early Modern Europe*, ed. Anthony Grafton and Ann Blair, 131–72 (Philadelphia: University of Philadelphia Press, 1990); Hans Bots, "De la transmission du savoir à la communication entre hommes de lettres: universités et académies en Europe du XVIe au XVIIIe siècle", in *Commercium litterarium*, 1600–1750: la communication dans la république des lettres, ed. Hans Bots and Françoise Waquet, 101–17 (Nimègue: Pierre Bayle Institute, 1994); Ruxandra Irina Vulcan, "Le dialogue humaniste: un instrument idéal de diffusion du savoir", in *La Transmission du savoir dans l'Europe des XVIe et XVIIe siècles*, ed. Marie Roig Miranda, 229–38 (Paris: H. Champion, 2000).

⁴ For the significance of the term 'fortuna' in this connection see below, p. 22.

⁵ H. R. Trevor-Roper, *Religion, the Reformation and Social Change* (London: Macmillan, 1967), 122; *Letter Book of Gabriel Harvey, A.D.* 1573–1580 (London: Camden Society Publications, New Series, vol. 33, 1884), 79. Harvey's reference to Le Roy would seem to be to the latter's *Les Politiques d'Aristote traduites du Grec en Français avec expositions prises des meilleurs autheurs* (Paris, 1576).

Let us establish an initial context by outlining Jean Bodin's life and career—a necessary precondition to appreciating him as recipient and then as author of works which contemporary and later readers received.⁶ The task is not straightforward. In common with many leading figures in the cultural affairs of Renaissance Europe, much in Bodin's life is uncertain or obscure. This is owing partly to the commonness of his name. At important junctures in his life other 'Jean Bodins' appear (if, indeed, they were persons other than he). The uncertainties spring also from loss of evidence and the nature of the evidence that does survive. It is known that some of Bodin's books and papers were destroyed, notably during political troubles with which he was confronted as a holder of public office towards the end of his life. Extant letters of his are remarkably few, given that this was a man who wrote copiously and revelled in the written word. They are also, in important respects, teasingly ambiguous. In some ways the ambiguities are perhaps not surprising, in view of the writer's taste for paradox. They are, however, peculiarly pronounced in relation to Bodin's religious experiences and religious stance. And it is here that the uncertainties encountered by any would-be biographer of Bodin become especially frustrating. If he was educated as a novice by the Carmelites, did he take his vows? Was he the 'Jehan Baudin' who was imprisoned on a charge of heresy in 1548, and again in 1569? Was he the 'Jehan Baudin' or 'Bodin' who was received as a citizen of Geneva and even married there in 1552?7 And if none of these was Bodin himself, if in terms of religious orientation he was above suspicion, why did a man who cultivated powerful patrons, consorted at various times with the highest in the land, impressed them by his intellect and learning and evidently coveted the fruits of career advancement have to settle at the end of the day for so little material reward—a minor office of judicature in a provincial town?

However, some facts are tolerably firm. Jean Bodin was born in 1529 or 1530, the son of a businessman in the textile trade at Angers. He was

⁶ For a useful biographical summary see Marie-Dominique Couzinet, "Note biographique sur Jean Bodin", in *Jean Bodin: nature, histoire, droit et politique,* ed. Y-C Zarka, 233–244 (Paris: Presses Universitaires de France, 1996). V. I. Comparato, "Introduzione", in *Jean Bodin: antologia di scritti politici,* ed. Comparato, 7–61 (Bologna: Il Mulino, 1981), provides a penetrating overview of Bodin's life and thought.

⁷ On these questions see E. Droz, "Le Carme Jean Bodin, hérétique", *Bibliothéque d'Humanisme et Renaissance* 10 (1948): 77–94; J. Boucher, "L'incarcération de Jean Bodin pendant la troisième guerre de religion", *Nouvelle Revue du Seizième Siècle* 1 (1983): 33–44; L. Fontana, "Bilan historiographique de la question du séjour de Jean Bodin à Genève", *Bibliothèque d'Humanisme et Renaissance* 71 (2009): 101–11.

educated initially in his native town and then, in the mid-1540s, in Paris. He proceeded by the early 1550s to Toulouse, to study and then to teach law. By 1560 or thereabouts he had left academic life in Toulouse for a professional life as an avocat in the Paris Parlement. Fellow-barristers described him as a man of formidable learning, but unsuccessful in pleading cases.8 If so, it seems likely that Bodin made a living as a consultant lawyer coupled with occasional service as a delegate of the court or as counsel for the crown: for instance, as deputy (substitut) to the attorneygeneral (procureur-général) at the Poitiers assizes (grands jours) in 1567.9 Other employment opportunities in royal administration came his way, notably in 1570 as a commissioner for the reform of the royal forests in Normandy.¹⁰ Meanwhile he continued to pursue scholarly activities, and published in 1566 the first of his major works, the *Methodus ad facilem his*toriarum cognitionem (Method for the easy understanding of histories)—a critical evaluation of the nature of historical interpretation in the broadest sense though with particular emphasis upon constitutional and governmental issues. Two years later he shifted his concerns and narrowed his focus from the theoretical to the practical, from the academic to the political, to produce an explanation coupled with remedies for the specific and seemingly intractable problem of price-inflation, the Response ... au paradoxe de monsieur de Malestroit.

In the course of the 1570s Bodin's reputation for learning reached its height, as did his public career at least in the form of involvement in high-level deliberations. He served as translator for the French delegation appointed to greet ambassadors sent from Poland in 1573 to offer that kingdom's elective crown to Henry, Duke of Anjou. Following Anjou's accession to the throne of France, Bodin "often had the honour of being admitted to the private and intimate conversations which Henry III liked to have with the learned, occasions on which he always distinguished himself". In addition to such conversations, he participated in the

⁸ Antoine Loisel, *Pasquier ou dialogue des advocats*, ed. M. Dupin (Paris: Videcoq, 1844), 131.

⁹ On consultancy see A. M. J. J. Dupin, *Profession d'avocat: recueil de pièces concernant l'exercice de cette profession* (Paris: B. Warée, 1830–2), 1: 103 sqq. Bodin himself notes his role as *substitut* at Poitiers, in his *De la démonomanie des sorciers* (Paris: Jacques du Puys, 1580), fos. 57v0–58.

¹⁰ M. Devèze, La Vie de la forêt française au XVIe Siècle (Paris: SEVPEN, 1961), 2: 192.

¹¹ La Harangue de Messire Charles des Cars... prononcée aux magnifiques ambassadeurs du Poulongne... tournée de Latin en François par Ian Bodin, advocat (Paris: Pierre Huillier, 1573).

¹² Jacques-Auguste de Thou, *Histoire universelle depuis 1543 jusqu'en 1607*, 16 vols. (London, 1734), 13: 34-

so-called 'Palace Academy' which met with the King twice-weekly for three years from 1576 to discuss, *inter alia*, questions of moral philosophy. ¹³ His reputation reached its height with the publication of his own major contribution to political philosophy, Les Six livres de la république (The Six Books of the Commonwealth), which he dedicated to a leading figure in the Parlement and in royal circles, Guy du Faur de Pibrac. By 1600 the République, with its famous analysis of 'sovereignty' and controversial position on religious coexistence, had run through at least twenty-four editions, some overseen by Bodin himself, and including translations into other vernaculars. 14 The most important translation was Bodin's own Latin version which appeared in 1586 and incorporated extensive revisions. 15 Again in 1576-7 he attended the assembly of the Estates-General at Blois, as deputy for the third estate of Vermandois. Emerging as a spokesman for the order, he championed resistance to royal proposals for radical reform of taxation and for the alienation of crown lands to supply the monarch with financial support much needed in circumstances of recurrent civil war. In his journal of the assembly he recorded his determination to serve the "public good (le bien du peuple)" even at the cost of forfeiting the King's good will. In career terms the cost would seem to have been heavy; certainly, the advancement for which he might have hoped in view of his intellectual distinction and recurrent proximity to the monarch did not materialize to any substantial degree.¹⁶

In a sense Bodin had a personal interest in crown lands, not only through his forestry commission, but also through his marriage, in 1576 once more, to the widow of a senior administrator (*contrôleur*) of the royal domain in Vermandois and sister of the king's proctor (*procureur du roi*) in the *présidial* court of Laon. But his professional ambitions were more elevated. At some point during the 1570s, probably after 1576, 17 he hitched his

¹³ R. J. Sealy, *The Palace Academy of Henry III* (Geneva: Droz, 1981), 65–8; Édouard Frémy, *Origines de l'Académie Française* (Paris: E. Leroux, 1887), 146; Mark Greengrass, *Governing Passions: Peace and Reform in the French Kingdom, 1576–1585* (Oxford: Oxford University Press, 2007), 44–59.

¹⁴ For details see below, p. 138. For valuable discussions of 'sovereignty' and related issues, see especially Diego Quaglioni, *I limiti della sovranita: il pensiero di Jean Bodin nella cultura politica e giuridica dell'età moderna* (Padua: CEDAM, 1992).

¹⁵ Variants in books 3–6 of the 1586 edition from that of 1583 are demonstrated in detail by Diego Quaglioni as co-editor of volumes 2 and 3 of the invaluable *I sei libri dello stato*, ed. Margherita Isnardi Parente and Quaglioni (Torino: UTET, 1988–97).

¹⁶ Recueil de tout ce qui s'est negotié en la compagnie du Tiers Estat de France en l'assemblee generale des Trois Estats (s.l., 1577), 78, 98–9.

¹⁷ The point is discussed below, pp. 163-4.

wagon to the seemingly rising star of François, Duke of Alençon / Anjou, troublesome brother and heir presumptive to the reigning monarch. He accompanied the Duke on the latter's marital quest to England in 1581, meeting a number of leading English scholars and courtiers during the visit and, reportedly, offending Queen Elizabeth herself. In the following year he was again with François d'Anjou on the Duke's ill-judged and ill-fated expedition to the Netherlands. Despite his manifest interaction with Anjou, Bodin's name does not figure in extant lists of paid members of the extensive ducal household, though other evidence indicates him to have held at least nominally a position there as counsellor and master of requests. Anjou himself promised the Angevin an office of judicature in one of his dependent territories, a promise that was never fulfilled. Such disappointments afflicted Bodin throughout a career which never yielded him in terms of office and material reward the advancement which he might reasonably have considered himself to have earned.

By the time of his visit to England Bodin had published his *Juris universi* distributio (1578 / 1580), an analysis of comparative law upon which he had embarked over two decades before. The appearance of this highly technical jurisprudential exercise coincided closely in time with the publication of a very different work, the notorious De la démonomanie des sorciers (On witches' devotion to demons) (1580)—a treatise prompted, as its author argued, by the need to disabuse those who refused to credit the extraordinary increase in witches' numbers and the very nature of witchcraft. He dedicated the work to Christofle de Thou, one of France's most distinguished lawyers and chancellor of Anjou's household. But De Thou died in 1582. Two years later both Anjou himself and Pibrac, dedicatee of the Répub*lique*, were also dead. By then Bodin, with a wife, a daughter and two sons to support, had resorted to acting as man of business for leading noblemen with lands in the vicinity of Laon where, in 1587, he succeeded to his late brother-in-law's office. Meanwhile, among numerous changes introduced into his Latin version of the *République* he had considerably strengthened the case for religious coexistence by comparison with the original edition. The position, which had identified him with that of the so-called politiques associated with Anjou, was now reinforced notwithstanding

¹⁸ Louis de Gonzague, Duc de Nevers, *Les Mémoires de M. le Duc de Nevers... pour les rois Charles IX, Henri III et Henri IV* (Paris: L. Billaine, 1665), 1: 55.

¹⁹ Nevers, *Mémoires*, 1: 577–99; À. Ponthieux, "Quelques documents inédits sur Jean Bodin", *Revue du Seizième Siècle* 15 (1928): 63.

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changes in his political fortunes.²⁰ It has therefore seemed the more surprising that in 1589 Bodin declared in favour of the League formed, again in 1584, in opposition to Henry III and the Huguenot leader Henry of Navarre, and with its central commitment to defend and promote "the true and holy Catholic religion". Was he motivated simply by civic loyalty in the League-dominated town of Laon, or by a broader political and ideological allegiance to the unity of the French kingdom—unity that the last of the Valois kings was demonstrably no longer able to preserve and yet might in due course be restored through the "Holy Union" of the League, a movement also interpretable as the vehicle of God's judgement upon France?²¹ Whatever his motivation, his realignment did not survive the crumbling of League support and Navarre's progress towards the throne.

Having changed sides once more, Bodin spent his final years in Laon and completed no fewer than three more treatises. In his *Paradoxon*, published in 1596 though apparently written five years earlier, he reiterated his diagnosis of France's moral predicament and argued that regeneration depended upon recovery of moral virtue through freely-willed and whole-hearted surrender to the service of God. Also published in 1596 was a weightier exercise in natural theology, the *Universae naturae theatrum* (*Theatre of universal nature*), presented, like the *Paradoxon*, in dialogue form: an encyclopaedic survey not only of the origin and subsequent condition of the world with its geological and biological components, but also of the human soul, of angels and demons, and, finally, of the cosmos at large.²² The third of his final works was unpublished at the time of his death from the plague in 1596, and remained so until the nineteenth century, though numerous copies circulated in manuscript. This was the notorious *Colloquium heptaplomeres de rerum sublimium arcanis abditis*

²⁰ For Bodin's evolving position of *Les Six livres de la république*, IV.vii, in the 1576 edition (Paris: Iacques du Puys), 510; the 1583 edition (Paris: Du Puys), 655; and that of 1586 (Paris: Du Puys), 485. On Anjou and the *politiques*, Mack P. Holt, *The Duke of Anjou and the Politique Struggle during the Wars of Religion* (Cambridge: Cambridge University Press, 1986), 2.

²¹ For insights into the context and nature of Bodin's realignment I am much indebted to Mark Greengrass's kindness in enabling me to read his unpublished paper, "Rumeurs et bien publique dans les ligues provinciales catholiques: l'exemple de Laon" (2005). For other discussions of and solutions to the problem, see P. L. Rose, "The Politique and the Prophet: Bodin and the Catholic League, 1589–1594", *The Historical Journal* 21 (1978): 783–808; Rose, "Bodin and the Bourbon Succession to the French Throne", *The Sixteenth Century Journal* 9 (1978): 75–98.

²² On the *Theatrum* and its reception see especially Ann Blair, *The Theater of Nature* (Princeton NJ: Princeton University Press, 1997).

(Conference of the Seven on the hidden secrets of exalted things). While its authorship has been questioned, the correlation between ideas presented in the Colloquium and in others of Bodin's works is unmistakable. As in his Methodus, his Juris universi distributio and elsewhere, Bodin's aim was syncretic, but now pursued at a different level: to uncover the unity and harmony that must ultimately inform all tenable creeds in a God-created universe.

Plainly, Bodin's intellectual and spiritual aspirations far outran his ability to satisfy such worldly ambitions as he entertained in the course of his career and attempted, unsystematically, to satisfy. At every stage he amplified, as *recipient*, his means to fulfil those aspirations. At the outset, in Angers, he was exposed to the teachings of the Carmelites, an order characterized by an intense spirituality, at once rigorously Christocentric and oriented towards a mystical quest for illumination, purification and the gift of prophecy.²³ As a student in mid sixteenth-century Paris he could encounter startling new assortments of ideas, the 'humanist' agenda with its sources mostly derived from the ancient world. There were new opportunities to study Greek and Hebrew, new editions of Platonic and Neoplatonic texts, new guides to kabbalistic and mystical philosophies, all of which might in combination be hoped to yield a novel reconciliation of all the major fountainheads of wisdom.²⁴ Before Bodin had finished his Parisian studies the distinguished humanist Adrien Turnèbe arrived to take up a royal teaching post and in due course to lecture on texts which included attempts by Philo of Alexandria (Philo Judaeus) to harmonize Jewish theology with Platonic philosophy, and Plato's own Timaeus with its peculiar treatment of such time-honoured and fundamental questions as the world's existence in relation to time and the composition of the

²³ See Paul Lawrence Rose, *Bodin and the Great God of Nature* (Geneva: Droz, 1980), 80–91; also Gabriel Wessels, "Pars ascetica regulae Joannis 44", *Analecta Ordinis Carmelitarum* 3 (1914–16): 346–67.

²⁴ On the 'possibilities' of reception in the vibrant 'plurilinguistic' culture of the Renaissance, cf N. Panichi, *Les Liens à renouer: scepticisme, possibilité, imagination politique chez Montaigne* (Paris: H. Champion, 2008), 1: "Contact, assimilation, *transfert* entre cultures différentes: *priscia philosophia*, culture symbolique et culture du savoir égyptienne, cabale hébraïque, philosophie médiévale et spéculation arabe, hermétisme, orphisme, gnosticisme, Néoplatonisme, astrologies complexes et zodiaques de la vie anthropologie des nouveaux mondes—en définitive, la rencontre entre Occident et Orient, métissage et hybridation entre cultures. En tant qu' 'âge de l'éloquence' et de la *conférence*, elle se rend reconnaissable aussi comme 'âge du métissage'".

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soul with its properties of reason and harmony.²⁵ All this was unsettling to minds schooled in the centrality of Aristotelian positions and methodologies, even though these retained pride of place in the University's formal curriculum and in the thinking of its senior members. Especially unsettling was the teaching of the charismatic controversialist Pierre de La Ramée (Petrus Ramus) with his powerful advocacy of dialectical method ostensibly in opposition to Aristotle from whose prescriptions he none the less departed far less than he pretended.

In Toulouse Bodin joined a distinguished law faculty the doctrines of which were rooted in belief in the inherent rationality of the law, meaning first and foremost the laws of Rome—a rationality allegedly recoverable by scholastic means. But scholastic commentary with its formulaic Latin and fragmenting effects upon legal texts offended exponents of legal humanism. Some of them sought primarily to recover the laws' historical context and reinterpret them accordingly, deploying philological, literary and historical expertise for the purpose; while others subordinated that objective to continuing the quest for the recta ratio that would ensure the status of jurisprudence as a scientia, a mode of universal and reliable knowledge. By means of dialectical 'method', properly applied, law would be revealed as "organic and co-ordinated", no longer the "agglomeration of fragmentary learning" to which scholastic doctors had reduced it.²⁶ Each of these approaches had its adherents in the Toulouse faculty, and each group its followers among the student body. Disagreements provoked disturbances, sometimes violent, which reverberated in the city itself, to the accompaniment of mounting religious controversy. Such disruptions of civic order excited the attentions of Toulouse's profusion of municipal, ecclesiastical and royal authorities, each a jealous guardian of its own prerogatives. The implications of competing jurisdictions at a time of secular and religious stress could scarcely have escaped the attention of a young student of constitutions.

Yet from the University, the legal profession and Toulouse itself Bodin recruited some of his most influential patrons. Chief among them were members of the Du Faur family. Guy du Faur de Pibrac, lawyer and orator, poet and diplomat, "placed in the highest rank of honour and held in

 $^{^{25}}$ John Lewis, Adrien Turnèbe (1512–1565): a Humanist Observed (Geneva: Droz, 1998), 171–75; Plato, Timaeus, 34b–37c.

²⁶ V. Piano Mortari, "Studia humanitatis' e 'scientia iuris' in Guglielmo Budeo", in Piano Mortari, *Diritto, logica, metodo nel secolo XVI* (Naples: Jovene, 1978), 340–1.

the most brilliant public esteem", ²⁷ was also a nephew of Jacques du Faur, "intimate friend" of the future chancellor Michel de l'Hospital, who himself was a sometime student of law at Toulouse.²⁸ The multiple sources of influence available to Bodin through connections with the Toulouse establishment on the one hand and the L'Hospital circle on the other ought, in career terms, to have served him well. Early in that career he did indeed emerge in the role of spokesman for educational reform humaniststyle in the Languedoc capital, a project sponsored by none other than Jacques du Faur. It was a role for which his first published work, a translation with commentary of the Greek poem Cynegetica (On Hunting) by the third-century poet Oppian of Apamea,²⁹ seemed admirably to qualify him, though suggestions that in preparing it he had plagiarized the work of none other than Adrien Turnèbe were to blemish the work's reception. It may also have been thanks to Pibrac that Bodin gained his *entrée* to the Paris Parlement, a form of advancement for which sponsorship was indispensable; and very likely to Pibrac, organizer of the Polish embassy in 1573 and a moving spirit of the Palace Academy, that Bodin owed his involvement with both. His obligation to Pibrac, friend of Christofle de Thou and the latter's successor as Anjou's chancellor, may even have extended to his association with the Duke. All in all, these involvements enabled him if not to rub shoulders, at least to keep company and to derive insights, information and intellectual stimulus from interacting with members of France's political, social and intellectual élites.³⁰

But Bodin was first and foremost a jurist, and it was his training in and lifelong engagement with law that drove his thinking above all else. His definition of history early in his literary career correlated that discipline's divisions with the categories of law itself. The definition was tripartite:

²⁷ "in altissimo honoris gradu & in clarissima populi luce collocatus es": Bodin, *République* (1583), dedicatory epistle (n.p.). Cf the account of Pibrac by Guillaume du Vair, one of those whom Bodin would no doubt have met in Anjou's household: "ce grand esprit, bien nourry ès bonnes letters, plein de jugement aux affaires, douë d'une grande grace naturelle" (*Les Oeuvres de Messire Guillaume du Vair, Evesque et Comte de Lizieux et Garde des Sceaux de France* (Paris: Sebastien Cramoisy, 1625), 422.

²⁸ Alban Cabos, Guy du Faur de Pibrac: un magistrat poète au XVI^e Siècle, 1528/9–1584 (Paris: Champion, 1922); Loris Petris, La Plume et la tribune: Michel de l'Hospital et ses discours (1559–1562) (Geneva: Droz, 2002), 4–6, 69.

²⁹ A work credited at the time to Oppian of Cilicia whose *Halieutica (On Fishing)* was a poem of similar type but superior quality; see C. A. Trypanis, *Greek Poetry: from Homer to Seferis* (London: Faber & Faber, 1981), 370.

³⁰ For examples of members of Anjou's household, see René Radouant, *Guillaume du Vair, l'homme et l'orateur jusqu'à la fin des troubles de la Ligue* (Paris: 1907), 38–9.

history, like law, was human, natural and divine. The harmony that informed law, properly conceived and comprehensively approached, informed also the organization of human society in its natural setting and under divine aegis. In the dedicatory epistle to his *Juris universi distributio* Bodin stated the essence of his philosophy:

For if it is true that law, whatever the extent to which it springs from nature, also flows from men—or as the Stoics say, law is not a matter of practical judgement, but properly a science—we may thereby distinguish not so much the useful from the useless or the shameful from the virtuous, but altogether the true from the false. For indeed the seeds of law and justice are stimulated in the souls of each one of us through reason implanted by immortal God.³¹

The passage is dense with key Bodinian concerns: the lifelong quest for sound knowledge of universal relevance (*scientia*); the unflagging recognition that the driving force of such knowledge must spring from nature and, beyond that, the divine; the acknowledgement, consistent with Ramist teaching, of usefulness as a prime desideratum in the quest, but subordinate to truth, the overriding and yet attainable objective; and the appeal to reason, rather than authority, as the vital means of arriving at the *scientia* where truth resided. Here was an inspirational message to the development and dissemination of which in its multiple and correlated aspects Bodin so earnestly and persistently applied himself. Yet to the works in which he cumulatively presented that message his fellow-countrymen were for the most part slow to respond.

Of course, the reception of Bodin in France was conditioned by the context of opinion into which he introduced his works, opinion agitated often to the point of frenzy and yet already coloured with the rudiments and certainly the terminology of some of his leading ideas: the theory of "climate"; the definition of the *république* in terms of lawful government and "sovereignty"; the ultimate "harmony of the intelligible world" as created by the "great God of nature" who had granted humankind "free will

^{31 &}quot;Nam si verum esset jus quantumcunque est a natura, non etiam ab hominibus fluere, id est, τὸ δίκαιον οὐκ είναι θέσει, ἀλλὰ μονὸν φύσει, quemadmodum Stoici loquuntur, non esset juris haec quae dicitur prudentia: sed proprie scientia: nec quantum utile ab inutile, turpe ab honesto, sed omnino quid verum inter & falsum contemplaremur. At iuris & iustitiae semina in animis uniuscujusque nostrum ab immortali Deo insita primum a ratione excitantur": Bodin, *Iuris universi distributio* (Cologne: apud Ioannem Gymnicum, 1580), 6–7.

(le franc arbitre)".³² In developing his climate theory, derived ultimately from Aristotle, Bodin drew "upon some common stock of scientific notions familiar to his contemporaries", to offer "a masterly summary of about two thousand years of speculation".³³ It was, according to none other than Pibrac, the French people's devotion "towards their sovereign prince (à l'endroict de son prince souverain)"³⁴ that had motivated the massacre of St Bartholomew (in the year when the second edition of Bodin's Methodus appeared); while two years later Theodore de Bèze was distinguishing sharply between the "sovereign" and "sovereignty" as such, ultimate repository of authority within the body politic.³⁵ As for the concept of free will, no theological issue was more heatedly debated in France and beyond, not only between Catholic and Protestant, but among the Protestant sects themselves. So often the ground upon which Bodin ventured in his principal writings was already well-tilled and frequently enough contested.

Contestation was certainly rife amongst the polemicists whose writings appeared in profusion on every side in the course of the French civil wars. And yet, in such writings specifically Bodinian positions figured only incidentally, if at all. On the side of the League, the long-lived Jean Boucher, curé of St Benoît, cited the *République* as a source for interpreting Rome's Valerian law as authorising the removal of a tyrant.³⁶ It is possible that comments in the course of the *Dialogue d'entre le Mahesutre et le Manant* on such issues as religious co-existence, on hereditary monarchy or on divisions among the nobility owed something to Bodin's opinions; yet neither

³² See especially *Methodus ad facilem historiarum cognitionem* (Paris: apud Martinum Iuuvenem, 1572), cap. 5: 117 sqq.; *République*, I.i: (1576), 1; *Démonomanie des sorciers* (Paris: 1580), I.ii: fos 7vo, 8.

³³ Aristotle, *Meteorology*, 362°a32 sqq.; M. J. Tooley, "Bodin and the Medieval Theory of Climate", *Speculum* 28 (1953): 64; C. J. Glacken, *Traces on the Rhodian Shore: Nature and Culture in Western Thought from Ancient Times to the End of the Eighteenth Century* (Berkeley: University of California Press, 1967), 443.

³⁴ Traduction d'une epistre latine d'un excellent personage du royaume, faicte par forme de discours, sur aucunes choses depuis peu de temps advenues en France, quoted in Denis Crouzet, Les Guerriers de Dieu: la violence au temps des troubles de religion (vers 1525-vers 1610) (Seyssel: Champ Vallon, 1990), 2: 16.

 $^{^{35}}$ For example, "Magistrats inferieurs \ldots ne dependent proprement du souverain, mais de la souveraineté" (Du Droit des magistrats sur leurs subiets (s.l., 1574; citation from 1575 edition): 32–33.

³⁶ Boucher, *De justa Henrici Tertii abdicatione e Francorum regno* (Paris: apud N. Nivellium, 1589), fo, 171vo. Boucher's marginal reference, to *De republica* I.v, should be to II.v. The classical reference is to the law famously introduced by Publius Valerius Publicola (d. 503 BCE), one of the four aristocrats who led the overthrow of the Roman monarchy.

he nor his writings received any explicit mention there.³⁷ Among the plethora of theologians, philosophers and especially historians paraded in the 833-page De justa reipublicae christianae in reges impios et haereticos authoritate ascribed to the émigré William Revnolds, there occurred only four references to Bodin: three to the *République* and another to the *Methodus*, and all of them simply to support statements of historical fact.³⁸ It may be that Bodin's *Démonomanie des sorciers* had a bearing upon the increase in witchcraft prosecutions in France between 1580 and 1600, and in Paris especially when Louis Dorléans was avocat-général in the Parlement; yet no trace of Bodinian thinking is discernible in Dorléans's published diatribes in fervent advocacy of the Catholic cause.³⁹ On the opposite side, the leading propagandist for the Bourbon succession in the wake of Anjou's death, Pierre de Belloy, like Bodin a graduate in law from Toulouse, did not include the latter's name in the list of "the principal writers cited (les noms des principaux auteurs alleguez)" in his Apologie catholique contre...les Liquez perturbateurs du repos du royaume de *France*; and Belloy's arguments, albeit grounded in legal sources, derived nothing from Bodin's examination of the principles at stake. 40 As for the famous Satyre Ménippée, it could be argued that the case made there for hereditary succession in the interests of the kingdom's unity owed something to Bodinian emphases—though Bodin, of course, was far from alone in his enthusiasm for unity in such disturbed and fragmented times.⁴¹

³⁷ François Cromé, *Dialogue d'entre le Mahesutre et le Manant*, ed. P. M. Ascoli (Geneva: Droz, 1977), especially 54, 70, 188. The 'Mahesutre' is cast as a spokesman for the *politiques*, amongst whom Bodin had been numbered before his re-alignment with the League.

³⁸ Gulielmus Rossaeus, *De justa reipub. Christianae in reges impios et haereticos authoritate: justissimaque Catholicorum ad Henricum Navarreum & quemcunque haereticum a regno Galliae repellendum confoederatione liber* (Antwerp: apud J. Keerbergium, 1592 (first edition 1589), 12, 50, 194, 408).

³⁹ On witchcraft prosecutions, A. Soman, "The Parlement of Paris and the Great Witch Hunt (1565–1640)", *The Sixteenth Century Journal*, 9 (1978): 31–44; also Crouzet, *Guerriers*, 2: 340–2. See Dorléans, *Advertissement des Catholiques Anglois aux François Catholiques, du danger où ils sont de perdre leur religion* (s.l. 1586); *Apologie ou defence des Catholiques unis les uns avec les autres contre les impostures des Catholiques associez à ceux de la pretendue religion* (s.l., 1586).

⁴⁰ Belloy, Apologie Catholique contre les libelles, declarations, advis et consultations faictes, escriptes & publiees par les liguez perturbateurs du repos du Royaume de France qui sont eslevez despuis le decez de feu Monseigneur, frere unique du Roy (s.l., 1585); cf particularly the discussion in Bodin, République, VI.v. For example, Belloy's citing (p. 79) of the maxim le mort saisit le vif to support his position on the royal succession ran directly counter to Bodin's professed refusal to countenance transfer of such a maxim of private law to the sphere of public law.

⁴¹ Satyre Ménippée: de la vertu du Catholicon d'Espagne et de la tenue des Estats de Paris, ed. M. Martin (Paris: Champion, 2007), 120–1; cf Bodin, République, VI.v: (1583), 994–5.

More significant may be the *Satyre*'s recommendation of Josephus's *Jewish War* as an instructive work of history on similar issues, a recommendation anticipated in Bodin's *Methodus*.⁴²

Among the less, or less overtly, politically committed of Bodin's compatriots, his works' reception was often critical or luke-warm. Former colleagues of his at Toulouse challenged his reliability as a scholar. Thus Auger Ferrier, on Bodin's views particularly in the spheres of astronomy and astrology, as well as on the latter's interpretation of the Roman jurisconsult Papinian's ruling on third-person bequests of heritable real property.⁴³ Far more heated than Ferrier's relatively courteous remarks was the reaction of France's pre-eminent humanist jurisprudent Jacques Cujas to Bodin's alleged misrepresentation of his opinions and maltreatment of his scholarship whilst perpetrating errors of his own—allegations vigorously reinforced by Cujas's former pupil, Alexander Scot, formerly of Aberdeenshire, in his preface to the great scholar's collected works.⁴⁴ Still less inhibited were the assaults on Bodin's reputation by France's most distinguished classical scholar, Joseph Scaliger: that the Anegvin was "extremely ignorant, that he had written many things which he did not understand, that in his *Methodus* he did not deal with the subject he had undertaken to consider"—and, worst of all, that he had "stolen entire pages" from Scaliger's celebrated commentary on the Roman scholar Marcus Terentius Varro. 45 Indeed, accusations of plagiarism pursued Bodin throughout his career, from his translation of Oppian onwards.

Nevertheless, among Bodin's learned contemporaries there were some who accorded his works a more positive reception. His fellow-citizen of Angers, François Grimaudet, an office-holder in Anjou's household in the 1570s, published *Opuscules politiques* within four years of the *République*'s first appearance. Of the latter Grimaudet made considered and selective

⁴² Pauline M. Smith, "The Reception and Influence of Josephus's Jewish War in the late French Renaissance, with Special Reference to the Satyre Ménippée", *Renaissance Studies*, 13 (1999): 179–91, especially 184–5, 188.

⁴³ Ferrier, Advertissemens à M. Jean Bodin sur le quatriesme livre de sa Republique (Paris: Pierre Cauellat, 1580); also Advertissemens dudit Ferrier sur la loy Domus D. de legat (appended to the same publication). The law at issue is Digest 30.58. For Ferrier's dealings with Bodin see below, pp. 71–6.

⁴⁴ See especially Cujas, *Observationum et emendationum libri XXIIII* (Cologne: apud J. Gymnicum 1591), XVIII.38 (pp. 880–1); also his *Opera omnia*, 4 vols. (Lyon: J. Pillehotte, 1606), with Scot's strictures on Bodin's "malevolent" observations prefacing volume 1.

⁴⁵ Scaliger's denunciations are among the numerous contemporary verdicts on Bodin collected by Antoine Teissier, *Les Éloges des hommes savants tirez de l'Histoire de M. de Thou* (Leiden: T. Haak, 1715), 4: 263–76.

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use: while it provided him with a "clear source" for some of his material and leading ideas, he differed from Bodin on some fundamental questions, relying on "more traditional patterns of thought" or making "relatively independent assessments". 46 A similar judgement is applicable to Pierre Grégoire of Toulouse's De republica libri sex et viginti, a work of formidable dimensions and weighty learning which, appearing a decade after the Latin version of Bodin's treatise of that name, amounted at key junctures almost a to a dialogue with Bodinian positions—on climate theory, on the relevance of astrological factors to political change, on the question of tyranny and the sovereign legislator's power to derogate from existing law.⁴⁷ Equally discriminating was the response to Bodin's *Metho*dus of the Huguenot Lancelot de La Popelinière, himself among the ablest of contemporary historians of the French civil wars. In La Popelinière's opinion Bodin had paid too much attention in that work to topics which, strictly, were not to do with history at all, "curious researches far removed from the knowledge and actions of men". History should take the form of narrative and should deal "only with those matters from which every State (*Estat*) is constructed". Even so, the *Methodus* was a "most beautiful" work and its author "first-rate" in his learning. 48 Positive, too, was Michel de Montaigne's reception of Bodin, an author "far superior in judgement" to the contemporary "crowd of scribblers (tourbe des escrivailleurs)". The Essais contain multiple indications not only that Montaigne's extensive reading embraced the Methodus, the République, and the Démonomanie too, but that he drew a great deal more from these works by way of ideas and illustrations and sometimes verbal formulations also than his two

⁴⁶ P. Moizard, "Un Contemporain de Bodin: François Grimaudet, avocat au présidial d'Angers (1520–1580)", *Le Province d'Anjou*, 5 (1930): 151–66, 214–23; J. Parkin, "An Assessment of Bodin's Influence on François Grimaudet's *Opuscules politiques*", *Bibliothèque d'Humanisme et Renaissance*, 38 (1976): 27–53. It seems noteworthy that Grimaudet's treatise on price-inflation (*Des Monnoyes, augment et diminution du pris d'icelles* (Paris: Martin le Ieune, 1576)) shows no trace of Bodin's views on the subject in his *Response… au paradoxe de Monsieur de Malestroit* (Paris: Martin le Ieune, 1568).

⁴⁷ Valuable comparative discussions in Quaglioni, *I limiti della sovranitá*, 169–98, 227–76. See also Claude Collot, *L'École doctrinale de Pont-à-Mousson: Pierre Grégoire de Toulouse et Guillaume Barclay (fin du XVIe siècle)* (Paris: R. Pichon et R. Durand-Auzias, 1965); and, more recently, Christian Zendri, *Pierre Grégoire tra* leges *e* mores: *ricerche sulla pubblicistica francese del tardo Cinquecento* (Bologna: Monduzzi, 2007), especially on the question of law-making (cap. 4).

⁴⁸ Lancelot du Voisin de La Popelinière, *L'Idée de l'histoire accomplie*, in *L'histoire des histoires avec l'Idée de l'histoire accomplie*, ed. Philippe Desan, 2 vols. (Paris: Fayard, 1989), 2: 27–30. As La Popelinière published his work in 1599, it could be argued that long before then Bodin had gone some way in the *République* towards meeting his criticisms.

explicit references to Bodin would suggest.⁴⁹ Montaigne, of course, was no plagiarist—unlike his most enthusiastic disciple Pierre Charron who, in his extraordinarily successful treatise *De la sagesse (On wisdom)*, borrowed extensively and uncritically not only from Montaigne himself, but also from Bodin.⁵⁰

In early Bourbon France, weary of conflict after decades of civil war, Charron's reading of Bodin chimed with the public mood. It was a mood of disenchantment with political affairs, combining disengagement from such concerns with acceptance of strong authority. According to Charron, "truth" was discoverable only in one's private life, where the sole guides were "conscience and reason". But beyond the private sphere obedience was essential "for the conservation of the public". The power of command, which Charron equated with "the state (l'estat)", was "the prop, the cement and the soul of human affairs", the "bond of society", its "vital spirit". Hence the indispensability of "sovereignty", for his definition of which Charron simply quoted Bodin.⁵¹ So, too, did the jurist Charles Loyseau, treated in legal circles as authoritative into the eighteenth century. Loyseau not only cited Bodin repeatedly on particular matters, but also derived from him the central pillar of his thought. For him, as for Bodin before him and Charron in the latter's wake, sovereignty was the defining characteristic of the political entity known as the 'state'. Indeed, as "sovereignty is the form which gives being to the state" it followed that public power was indissociable from that entity, and so that the sale of offices was logically as well as ethically indefensible.⁵² Here, plainly, was recognition of the weight and importance of the Angevin's propositions. And in due course the remarkable scholar Gabriel Naudé, servant of statesmen and creator of what became Paris's Bibliothèque Mazarine, hammered the point home. Bodin, in his judgement, was "among the most famous and renowned [authors] of his century, and the first of the moderns to deal

⁴⁹ P. Villey, *Le Sources et l'évolution des Essais de Montaigne*, 2 vols. (Paris: Hachette., 1908): see especially 1: 322–9, and also *passim*. See also Panichi, *Les Liens à renouer*, especially 13–14 (on friendship), 548 (on geography).

⁵⁰ Details in A. M. Battista, "Le fonti del pensiero politico di Charron", in Battista, *Alle origini del pensiero politico libertino: Montaigne e Charron* (Milan: Giuffre, 1966), 88–96.

⁵¹ De la sagesse I.lv, I.xlvii, I.li; ed. Amaury Duval (Paris: Chassériau, 1820) I: 405, 345, 376.
⁵² See Charles Loyseau: a Treatise of Orders and Plain Dignities, ed. H. A. Lloyd (Cambridge: Cambridge University Press, 1994), xv, xix–xxiv. Loyseau denounced office-selling in his widely-consulted Cinq Livres du droit des offices (Châteaudun: Abel l'Angelier, 1610); cf Bodin, République, V.iv: (1583), 743: vendors of offices sell 'the most sacred thing in the world, which is justice: they sell the Commonwealth (la chose plus sacree du monde, qui est la iustice: ils vendent la Republique . . .).'

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with" the *république*, a subject consideration of which "is extremely necessary and commands great attention at the present time". His book, therefore, "is widely available, translated into several languages, and reprinted virtually every five or six years".⁵³ Bodin's critics notwithstanding, it would seem that the France of the Cardinals manifested as lively a reception at least of his masterpiece as that which Gabriel Harvey had observed in Elizabethan England half a century before.⁵⁴

Differing receptions, then, in different circumstances: some negative, some sharply critical, some approbatory. But a proper examination of the reception of Bodin calls for a great deal more than simply a rudimentary indication of how his own countrymen responded to his works in the decades following their publication. The reception of Bodin was not just a French, but a Europe-wide phenomenon. In the chapters that constitute the present volume it will be investigated, from various perspectives, in the contexts of England, the German Empire, Italy, the Netherlands, Spain, and that international organization the Roman Catholic Church, as well as France once more. While most of Bodin's published works figure in the course of these investigations, the authors of the chapters have focused their attention mainly on the three that circulated most widely and may be assumed to have been most often read, or at least consulted: the Methodus, the République, and the Démonomanie. But the chapters include consideration not only of how Bodin was received by others, but also of how Bodin himself received and used material and ideas which he himself acquired by various means. In sum, we have endeavoured to present not a comprehensive survey of the phenomenon at issue (surely an impossible task, and certainly so within the compass of a single volume), but a set of inquiries into a case that exemplifies many aspects of a problem the importance of which in the field of the history of ideas has been increasingly recognized in recent decades.

The problem is specified at the outset in Peter Burke's wide-ranging and characteristically lucid introduction to our theme. Reviewing the history of the idea of reception, Burke shows how recipients have increasingly been perceived not as passive assimilators of information and ideas, but as active appropriators from the sources upon which they choose to draw, selectively translating or recontextualising or adapting their received materials into their own cultural order and devising different methods for

⁵³ Naudé, *Advis pour dresser une bibliotheque* (Paris: Rolet le Duc, 1644), 92.

⁵⁴ See above, p. 2.

the uses they have had in view. Bodin's own concern with method is the focus of Marie-Dominique Couzinet's profoundly scholarly contribution. Taking account principally of the *Methodus*, but also of most of his other published writings, Couzinet exposes Bodin's adoption and adaptation of specific conceptual and analytical tools, philosophical, juridical and pedagogic, which he deployed with the aim of advancing systematically his own lifelong and distinctive quest for universal knowledge in the related spheres of history, law and nature. There follow three more chapters on Bodin as recipient. Mark Greengrass offers a searching account of how he drew upon his own experiences—what he himself had witnessed and what others had told him as distinct from what he had read—not simply to amplify, but to reinforce his vast store of information from authoritative and less authoritative texts, a dimension of his methodology to which scant attention has hitherto been paid. Audial reports, Bodin's opinion of the value of which is noted by Greengrass,⁵⁵ are the subject of Virginia Krause's discerning assessment of such "evidence of experience" in a particular form: the confessions generated by witchcraft trials and collected and processed by the author of the *Démonomanie* purposefully to expose the reality of the witchcraft problem which others were disposed to doubt. The doubters included the physician Johann Weyer whose opinions, as Christian Martin argues persuasively, Bodin on the one hand vigorously attacked for ideological reasons whilst, on the other, translating evidence collected by Weyer himself into the ideological and cultural context which he sought to defend.

A link between Bodin as recipient and as manager of his works' reception is provided by Ann Blair's chapter, replete with bibliographical as well as Bodinian expertise. Among tactics available to him in the latter role were an author's relationship with his publishers, his input to the design and presentation of his books—and, in Bodin's particular case, means of responding in varying styles to his critics through the agencies of different personae, including a fictitious *alter ego*. In an exhaustively researched and judiciously argued contribution, Jan Machielsen offers another dual—recipient / received—perspective: on the one hand, how Bodin reacted to the Netherlands Revolt of which he had first-hand experience as a member of François d'Anjou's entourage; and, on the other, how versions of his ideas figured in political pamphlets published hard on the heels of the *République* itself, a discussion that culminates in

⁵⁵ See below, p. 69.

intriguing questions of authorship. Extensive research also informs Sara Miglietti's study of marginal annotations, an important technique in reception studies and applied here to a substantial sample of the remarkably numerous surviving copies of the *Methodus*. Tracing the itineraries of several of these to their present repositories, Miglietti illustrates how the Methodus's reception varied from individual to individual and from country to country, and in relation to different parts of the work. Even in the case of the Roman church, as Michaela Valente's well-documented investigations reveal, the reception of Bodin among Jesuit theologians and others was by no means monolithic: witness the spirit of the lawyer and active politician Lorenzo Conti's translation of the République. But Rome's cultural and political environment, hostile to any hint of heterodoxy and any challenge to papal supremacy, could not accommodate works readily construed as advocating, mystifyingly to Roman minds, religious toleration in conjunction with the indefeasible sovereignty of the secular ruler. In contrast, hostility to the Counter-Reformation informed another lawyer's, Johann Fischart's, translation of the *Démonomanie*, as Jonathan Schüz observes in a penetrating contribution that not only deals with that work's favourable reception into the German vernacular, but bears by extension upon the broader question of translation as a facet of reception itself. Heavily laden with comments on, additions to and digressions from the original text, Fischart's version gained pedagogical and curial status in a German context where religious conviction coloured other versions produced by protestant preachers until, by the end of the seventeenth century, the demonological industry had run its course.

In Castile, meanwhile, Bodin's *République* experienced a reception which, though ambivalent, proved markedly more formative upon political thinking than has hitherto been supposed. So Harald Braun argues by reference to the *République*'s translator and its presence in the thought of three major writers. Braun offers a revision at once challenging and nuanced of established views insufficiently attentive to how recipients, far from assimilators of ideas wholesale, merged and reconfigured them to attune with their own priorities and expectations. Another revisionist contribution is that of Robert von Friedeburg who begins by assessing current interpretations of the nature and scope of Imperial rule and the authority of territorial units within the German Empire of the late sixteenth and seventeenth centuries in terms of possession of 'sovereignty' and the emergence of 'statehood'. In the intellectual context of its emergence the presence of Bodin's ideas is discernible, but essentially as a stimulus to debate among jurists, historians, *politologen*, who privileged indigenous

sources rather than Bodinian precepts as they sought to specify the origins and legitimate exercise of power within political units spatially or territorially defined. Bodin's 'sovereignty' is also the prime focus of Luc Foisneau's astute re-evaluation of its reception by and significance for proponents of the allegedly interdependent concept of 'reason of state'. As Foisneau argues, both concepts, at first clearly distinct, were transformed in early seventeenth-century France to serve as warranty for the 'absolutist' exercise of power in terms and in accordance with an ideology far removed from those of Bodin's original formulation. Sovereignty figures afresh, though amid much else, in Vittor Ivo Comparato's richly informed examination of Bodin's Italian readership—a study that pursues the reception of the République as well as others of Bodin's works deep into the period of the Enlightenment. Ultimately undeterred by ecclesiastical censure, Italian thinkers seized upon key components of Bodin's analyses only to interpret them to accord with their own views of history and their own political designs. One such thinker is the subject of Diego Quaglioni's illuminating case-study of Alberico Gentili, whom Quaglioni shows to have drawn upon Bodin much more extensively than is often acknowledged indeed, to the extent that key passages in Gentili's famous treatise on the law of war amount almost to a debate with the Angevin. Originating in lectures delivered at the University of Oxford, Gentili's ideas fed in turn into the opinions and theories of some of the most far-reaching thinkers of the age, and thereby served afresh as vehicles for the reception of Bodin. Finally, with Glenn Burgess's probing chapter we return to the varieties of reception itself as well as the various uses for which English writers drew upon the Angevin's works in the decades up to and including the civil wars. Among those uses was Bodin's exploitation not simply as a quarry for information and ideas, but as a "creative source" whose leading proposition may even be argued to have contributed in that revolutionary era to a transformation of the very terms of political discourse.

CHAPTER ONE

THE HISTORY AND THEORY OF RECEPTION

Peter Burke

Quidquid recipitur, ad modum recipientis recipitur.

Thomas Aquinas

In what follows I shall argue (1) that the concept of reception (German *Rezeption*, French *réception*, Italian *recezione*, etc.) is older than is generally thought; (2) that, even so, the recent 'turn' in this direction is a significant one; (3) that the concept of 'cultural translation' is useful in reception studies; (4) that a number of problems plague scholars who try to trace the history of the reception of particular texts or other cultural artefacts; and (5) that despite the problems, this approach continues to illuminate intellectual history. Examples from the cultural relations between Europe and East Asia will be privileged, on the grounds that the more distant two cultures are from each other, the more visible the reception process becomes.

1

In common with so many apparently new ideas, the idea of reception has a longer history than we may think. As a term of art, it was current in scholarly circles, especially in Germany, about a hundred years ago, in the contexts of Roman law and of Renaissance humanism.¹ The term was also used by English-speaking literary scholars and, a little later, by some historians of religion.²

¹ Carl Adolf Schmidt, *Die Reception des Römischen Rechts in Deutschland* (1868: repr Leipzig: Zentralantiquariat der DDR, 1969); Paul Laband, *Rede über die Bedeutung der Rezeption des römischen Rechts für das deutsche Staatsrecht* (Strasbourg: University of Strasbourg, 1880); Max Herrmann, *Die Reception des Humanismus in Nürnberg* (Berlin: Wiedmann, 1898); Stefan Schuler, *Vitruv im Mittelalter: Die Rezeption von "De Architectura" von der Antike bis in die frühe Neuzeit* (Cologne: Böhlau, 1999).

² William Frederic Hauhart, *The Reception of Goethe's Faust in England in the First Half of the 19th Century* (New York: Columbia University Press, 1909); Lawrence M. Price, *The Reception of English Literature in Germany* (Berkeley: University of California Press, 1932);

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The idea of reception has also attracted interest from students of literature, art and ideas who did not make use of the word. Classicists in particular speak of 'tradition'.³ In Germany, an alternative term is 'afterlife' (*Nachleben* or *Fortleben*).⁴ In Italy, the favoured term was and is *fortuna*.⁵ Some writers in English preferred and indeed still prefer 'influence', especially in studies of literature, but in intellectual history and art history as well.⁶ Others chose and still choose 'legacy'.⁷

Most if not all of the studies mentioned so far have looked at reception essentially from the point of view of the donor, treating recipients as relatively passive, as followers: Machiavellians, Erasmians, Lutherans and so on. Terms such as 'transmission' or 'transfer' (as in the case of the 'transfer of technology') also emphasize donors. Studies of reception, transfer, tradition, and legacy generally depend on the assumption of fidelity or continuity, taking it for granted that what was received or inherited was the same as what was given or handed over. In this respect scholars follow the people they were studying, from classical antiquity to early modern times, when favoured terms were *traditio* and *translatio* (in the sense of 'transfer').

Traditions might of course be criticized as corrupt, as reformers criticized the traditions of the Catholic Church, but the criticism implied that purification or a return *ad fontes* was possible. A similar point might be made about the critique of some translations as unfaithful, as in the famous

Thomas A. Brady, *The Reception of Egyptian Cults by the Greeks* (Columbia: University of Missouri, 1935); Charles D. Cremeans, *The Reception of Calvinistic Thought in England* (Urbana: University of Illinois Press, 1949).

³ Anthony Grafton, Glenn W. Most and Salvatore Settis, eds., *The Classical Tradition* (Cambridge MA: Harvard University Press, 2010).

⁴ Otto Immisch, *Das Nachleben der Antike* (Leipzig: Dieterich, 1919); Jacob Walter, *William Blakes Nachleben in der englischen Literatur des neunzehnten und zwanzigsten Jahrhunderts* (Schaffhausen: Bachmann, 1927).

⁵ For example, Vincenzo Luciani, *Francesco Guicciardini e la fortuna dell'opera sua* (Florence: Olschki, 1949); Giuliano Procacci, *Studi sulla fortuna del Machiavelli* (Rome: Istituto Storico Italiano per l'età moderna e contemporanea, 1965).

⁶ Alfred E. Taylor, *Platonism and its Influence* (London: Harrap, 1925); Thomas F. Scanlon, *The Influence of Thucydides on Sallust* (Heidelberg: Winter, 1980); Henry H. Reed, *Palladio's Architecture and its Influence* (New York: Dover, 1980); Mordechai Feingold, Joseph S. Freeman and Wolfgang Rother, ed., *The Influence of Petrus Ramus* (Basel: Schwabe, 2001).

⁷ Richard W. Livingstone, ed., *The Legacy of Greece* (Oxford: Clarendon Press, 1921); Cyril Bailey, ed., *The Legacy of Rome* (Oxford: Clarendon Press, 1923); Joseph V. Femia, ed., *The Machiavellian Legacy* (Basingstoke: Macmillan, 1998).

⁸ Michel Espagne, Les Transferts culturels franco-allemands (Paris: Presses Universitaires de France, 1999).

debate in seventeenth-century France about *les belles infidèles*. Although the famous epigram attributed to Karl Marx, "I am not a Marxist", has been circulating for a long time, the implications for intellectual history of the distance between founders and followers have rarely been made explicit. ¹⁰

A few scholars have found fault with these approaches, more especially with the concept of 'influence'. As early as 1945, R. G. Collingwood criticized what he called "the frivolous and superficial type of history which speaks of 'influences' and 'borrowings' and so forth and . . . never asks itself what there was in A that laid it open to B's influence, or what there was in A which made it capable of borrowing from B". Quentin Skinner made a similar point in 1969 and Michael Baxandall in 1985: "'Influence' is a curse of art criticism primarily because of its wrong-headed grammatical prejudice about who is the agent and who the patient . . . If one says that X influenced Y it does seem that one is saying that X did something to Y rather than that Y did something to X If we think of Y rather than X as the agent, the vocabulary is richer and more attractively diversified: draw on, resort to, avail oneself of, appropriate from, have recourse to, adapt, misunderstand, refer to". ¹¹

2

As if in response to these criticisms, a new wave—not to say flood—of reception studies arrived in the late twentieth century. What was important was not so much the increase in number, creating a trend or, as critics would say, an academic 'fashion', but the change in the way in which followers or receivers were viewed. Instead of being regarded as passive recipients of 'influence' or at best as lacking ideas of their own, followers were now accorded agency and the emphasis fell on 'uses' or 'responses',

⁹ Jean-Pierre Massaut, *Critique et tradition à la veille de la Réforme en France* (Paris: Vrin, 1974); Roger Zuber, *Les "belles infidèles" et la formation du goût classique* (Paris: Colin, 1968).

¹⁰ For an important exception, see Benjamin Schwartz, "Some Polarities in Confucian Thought," in *Confucianism in Action*, ed. David Nivison and Arthur Wright (Chicago: University of Chicago Press, 1959).

¹¹ Robin G. Collingwood, *The Idea of Nature* (Oxford: Oxford University Press, 1945), 128. Cf Quentin Skinner, "Meaning and Understanding in the History of Ideas," *History and Theory* 8 (1969): 3–53; Michael Baxandall, *Patterns of Intention* (New Haven CT: Yale University Press, 1985), 58–9. Skinner and Baxandall (like Jauss, discussed below) quote Collingwood with approval.

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viewed from the side of the recipient. Hence one might speak of a 'turn' towards reception, on the analogy of the more famous linguistic, visual and other turns. Changes in language make a sensitive indicator of the trend. Scholars working on the Renaissance in particular have found themselves using more and more words beginning with 're': not only 'reception', but also 're-reading', 'rewriting', 're-employment', 'reframing', 're-interpretation' and 'recontextualization'. 12

In the case of literature, this turn is associated with the rise of 'Reception Theory' and with two German theorists in particular, Hans-Robert Jauss and Wolfgang Iser. ¹³ Jauss stressed what he called the "aesthetics of reception", while Iser emphasized "reader-response", viewing meaning as the product of the interaction between reader and text, but the two men are often linked as leaders of the 'School of Konstanz', the new German university where they both taught. Iser's work in particular has become well known in the English-speaking literary world, thanks in part to his appointment as a professor at the University of California at Irvine in the later 1970s.

Perhaps the most distinctive feature of this approach is the concern with the 'horizon of expectations' (*Erwartungshorizont*), the argument being that the different expectations brought to a text by different readers shape the different ways in which a given text is understood. To give an example from intellectual history, a study of the German Enlightenment argues that in the 1770s and 1780s James Steuart was taken more seriously as an economic writer than Adam Smith, noting the attraction of Steuart's *Inquiry* for readers accustomed to the ideas of German writers such as J. H. G. Justi on the same subject. In other words, Smith was beyond their horizon. The metaphor of 'horizon' is a traditional one in German philosophy, passed down from Edmund Husserl to his student Martin Heidegger, Heidegger's student Hans-Georg Gadamer and Gadamer's student Iser—although it was not always employed in the same manner by these

¹² Maryanne C. Horowitz, Anne J. Cruz and Wendy A. Furman, eds., Renaissance Rereadings (Urbana: University of Illinois Press, 1988); Centre Interuniversitaire de recherche sur la Renaissance italienne, Réécritures: commentaires, parodies, variations dans la literature italienne de la Renaissance (3 vols., Paris: Université de la Sorbonne Nouvelle, 1983–7); Claire Farago, ed., Reframing the Renaissance (New Haven CT: Yale University Press, 1995).

¹³ Hans-Robert Jauss, *Literaturgeschichte als Provokation* (Frankfurt: Suhrkampf, 1970); Wolfgang Iser, *Der Akt des Lesens: Theorie ästhetischer Wirkung* (Munich: Fink, 1976). Robert C. Holub, *Reception Theory: a Critical Introduction* (London: Methuen, 1984) remains a useful guide.

¹⁴ Keith Tribe, Governing Economy: the Reformation of German Economic Discourse, 1750–1840 (Cambridge: Cambridge University Press, 1988), 140.

four individuals. Another concept common to Gadamer, Jauss and Iser is that of *Wirkung*, the effect of a message on readers (or listeners). The distinction between *Rezeption* and *Wirkung* remains unclear. ¹⁵

In the strict sense of the term, 'Reception Theory' refers to this German approach. However, there was a parallel movement in France, a broader movement in the sense that it was never confined to literary studies. Major figures in this movement were the philosopher Paul Ricoeur and the polymath Michel de Certeau. Both scholars stressed the agency of recipients. Ricoeur launched the concept of 'appropriation' for this purpose, a term which should perhaps be preferred to 'reception' precisely because of its associations with activity rather than passivity. As for Certeau, his favourite concept was 're-employment' (ré-emploi). Reacting against a common sociological view of ordinary people as passive consumers of mass-produced goods, Certeau argued that individuals exercise freedom of choice in selecting what to buy and inventiveness in using it afterwards, combining it with other items and so domesticating or customizing their acquisitions. Making reference to Claude Lévi-Strauss's idea of intellectual bricolage but developing it further, Certeau asserted that consumption might be regarded as a form of production.¹⁶

In literary studies, Julie Kristeva launched the idea of 'intertextuality', emphasizing the ways in which one text refers to others (by imitation, refutation, parody, and so on), in other words literary *bricolage*, while Gérard Genette developed the idea, distinguishing transtextuality, metatextuality, paratextuality and so on.¹⁷

Reception still attracts more interest in literary departments than in other parts of the campus, with the possible exception of departments of communication, especially following a well-known study of the reception of the soap opera *Dallas* in different parts of the world that argued that the same images viewed by different groups could scarcely have been understood more differently.¹⁸

¹⁵ Holub, Reception Theory, xi.

¹⁶ Paul Ricoeur, "Appropriation," in Ricoeur, Hermeneutics and the Human Sciences: Essays on Language, Action and Interpretation, 182–93 (Cambridge: Cambridge University Press, 1981); Michel de Certeau, L'invention du quotidien (Paris: Union Générale d'Éditions, 1980).

¹⁷ Julia Kristeva, "Bakhtine, le mot, le dialogue et le roman," *Critique* 239 (1967): 438–65. Cf. Michael Worton and Judith Still, eds., *Intertextuality: theories and practices* (Manchester: Manchester University Press, 1990), especially 1–44; Graham Allen, *Intertextuality* (London: Routledge, 2000), especially 30–60, 97–115.

¹⁸ Tamar Liebes and Elihu Katz, *The Export of Meaning: Cross-Cultural Readings of Dallas* (New York: Oxford University Press, 1990).

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In other fields too there is increasing interest. Historians of art, for instance, study the reception of particular painters or kinds of art (Japanese art in the West, for instance), and some historians of architecture are concerned with re-employment in a more literal sense than Certeau, with the use of fragments of old buildings in new ones. ¹⁹ Intellectual historians have also been moving in this direction. Heidegger and Jauss were among the inspirations of the 'conceptual history' (*Begriffsgeschichte*) practised by Reinhart Koselleck and underlying the massive volumes of the *Geschichtliche Grundbegriffe*. Koselleck in particular made frequent use of the idea of a horizon of expectations. ²⁰ More generally, a shift towards reception is visible in the history of science, the history of political thought and the history of religion. In the case of science, Darwinism and Copernicanism have attracted particular attention. ²¹ In the domain of political thought, some studies of John Locke exemplify the new trend. ²²

In the case of religion, one might compare and contrast two studies of Erasmus and his followers that were published half a century apart. In his classic study of Erasmus and his writings in sixteenth-century Spain, Marcel Bataillon wrote of *érasmisme, mouvement érasmien, evangélisme érasmien* and so on and asked a fundamental question in reception studies, Why here? "How was it that this erasmian form of Christianity flourished more spectacularly in Spain than elsewhere?". Fifty years later, Silvana Seidel Menchi produced an important monograph on Erasmus's readers in Italy which both followed and differed from Bataillon's work. Unlike Bataillon, Seidel Menchi used the term *ricezione*, and in tune with recent reception studies, she criticized the term *erasmismo* as "a category worn out by too much use", stressing instead the use made of Erasmus by

¹⁹ Elisa Evett, ed., *The Critical Reception of Japanese Art in Late Nineteenth-Century Europe* (Epping: Bowker, 1982); Lucilla de Lachenal, *Spolia: uso e reimpiego dell'antico dal III al XIV secolo* (Milan: Longanesi, 1995).

²⁰ Otto Brunner, Werner Conze and Reinhart Koselleck, eds., *Geschichtliche Grundbegriffe*, 8 vols. (Stuttgart: Klett, 1972–97). Reception and horizon are discussed in Reinhart Koselleck, *Futures Past: on the Semantics of Historical Time*, trans. Keith Tribe (Cambridge MA: MIT Press, 1985), 7, 46, 56, 64, 106, 186, 196–7, 200, 267–88.

²¹ Thomas F. Glick, ed., *The Comparative Reception of Darwinism* (Austin: University of Texas Press, 1974); Rienk Vermij, *The Calvinist Copernicans: the Reception of the New Astronomy in the Dutch Republic, 1575–1750* (Amsterdam: Koninklijke Nederlandse Akademie van Wetenschappen, 2002).

²² Mark Goldie, ed., *The Reception of Locke's Politics* (London: Pickering and Chatto, 1999).

Italians who had their own agenda, to disguise Protestant beliefs or to legitimate a political attack on the Papacy.²³

There are parallel or connected movements in other disciplines. Classicists, for instance, are examining Greek and Roman traditions through the lens of reception.²⁴ Historians and critics of literature now pay more attention to readers and their responses than they used to do.²⁵ A recent study of the fortunes of Cervantes in seventeenth-century England begins with the question, "what did the first English-speaking readers of *Don Quixote* perceive?" and goes on to note that English writers "put *Don Quixote* to work toward their own ends".²⁶

Certeau is one of the inspirations of Roger Chartier's research on the history of reading, while a number of historians have studied annotations in order to analyse the reception of texts by Castiglione, Montaigne, Copernicus and other writers.²⁷ In similar fashion, art historians have come to focus on viewers, and musicologists to listen to listeners.²⁸ Economic historians pay more attention to consumption than they used to, while many social and even political historians have turned to history 'from below', emphasizing the agency of ordinary people.

²³ "Comment ce christianisme érasmien a-t-il fleuri en Espagne plus brillament qu'ailleurs?": Marcel Bataillon, *Erasme en Espagne* (1937; revised edn, Geneva: Droz, 1991), 846. Cf Silvana Seidel Menchi, *Erasmo in Italia:* 1520–1580 (Turin: Bollati Boringhieri, 1987).

²⁴ Charles Martindale, *Redeeming the Text: Latin poetry and the Hermeneutics of Reception* (Cambridge: Cambridge University Press, 2003); Martindale and Richard F. Thomas, eds., *Classics and the Uses of Reception* (Oxford: Blackwell, 2006); Philip Ford, *De Troie à Ithaque; réception des épopées homériques à la Renaissance* (Geneva: Droz, 2007).

²⁵ Iser, Akt des Lesens; Susan Suleiman and Inge Crosman, eds., The Reader in the Text (Princeton: Princeton University Press, 1980); Robert Darnton, "History of Reading," in New Perspectives on Historical Writing, ed. Peter Burke, 157–86 (2nd edn., Cambridge: Polity Press, 2001); Guglielmo Cavallo and Roger Chartier, eds., A History of Reading in the West, trans. Lydia G. Cochrane (Amherst: University of Massachusetts Press, 1999).

²⁶ Dale B. J. Randall and Jackson C. Boswell, *Cervantes in Seventeenth-Century England:* the Tapestry Turned (Oxford: Oxford University Press, 2009), xv, xxxvii.

²⁷ Roger Chartier, *Cultural History between Practices and Representations*, trans. Lydia G. Cochrane (Cambridge: Polity Press, 1988), 40–1; Peter Burke, *The Fortunes of the Courtier* (Cambridge: Polity Press, 1995); Warren Boutcher, "Marginal Commentaries: the Cultural Transmission of Montaigne's *Essais* in Shakespeare's England", in *Shakespeare et Montaigne*, ed. Pierre Kapitaniak and Jean-Marie Maguin, 13–27 (Paris: Société Française Shakespeare, 2003); Owen Gingerich, *The Book Nobody Read: Chasing the Revolutions of Nicolaus Copernicus* (New York: Walker, 2004).

²⁸ Wolfgang Kemp, ed., *Der Betrachter ist im Bild* (Cologne: DuMont, 1985); David Freedberg, *The Power of Images* (Chicago: University of Chicago Press, 1989); James H. Johnson, *Listening in Paris: a cultural history* (Berkeley: University of California Press, 1995).

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As so often happens in the history of historical thought, changes in the present, from populism to the concern with the environment, have encouraged scholars to ask different questions about the past. In the case of the classics, for instance, where reception studies have gained a good deal of ground, especially in the last decade, the need to respond to the decline in the study of Greek and Latin is obvious enough. The growing interest in the metaphorical re-employment of the *Odyssey* or the *Aeneid* might be construed uncharitably as a reaction to the need for the literal re-employment of ex-classicists.

Unlike the reception studies of the years around 1900, the new movement is—or at least was, back in the 1970s—subversive, shocking, even scandalous because it shifted the emphasis from passive or faithful reception to active or creative reception. Reception scholars were helping to unmask the illusion of perfect communication, undermining the importance of the intentions of writers, artists and philosophers, and calling into question the notion of fixed meaning. Some of the scholars involved in the movement had no such ambitions, but, appropriately enough in this context, their studies too were received in this way.

However shocking the reception approach seemed to some critics, the stress on readers and viewers as appropriators was not completely new. The concept of cultural 'borrowing' is an old one that emphasizes recipients, even if it was often assumed that what was borrowed was identical to what was lent. For this reason, writing about the Renaissance in the 1920s, the iconoclastic Lucien Febvre had rejected the concept of borrowing on the grounds that the artists and writers of the time "have combined, adapted, transposed" producing "something that was composite and original at the same time". Some Brazilian writers made a similar point at about the same time, even more vividly. In his *Manifesto antropófago* (1928) Oswald de Andrade, playing with the European stereotype of Brazilians as cannibals, addressed the question whether writers like himself should or should not follow European models. Oswald attacked what he called "importers of canned consciousness" and suggested that Brazilians were capable of digesting foreign ideas, thus making them their own. Some street of the concept of the street of the street

²⁹ "ont combiné, adapté, transposé": "quelquechose de composite et d'original à la fois": Lucien Febvre, "La Première Renaissance française," reprinted in Febvre, *Pour une histoire à part entière* (Paris: SEVPEN, 1962), 529–603, at 584.

³⁰ Carlos A. Jauregui, *Canibalia. Canibalismo, calibanismo, antropofagia cultural y consumo en América Latina* (2nd edn, Madrid: Iberoamericana, 2008).

In fact the assumption of fidelity had been challenged long before, by Thomas Aquinas. In his famous Summa Theologiae, Aquinas formulated the principle that *Quidquid recipitur*, ad modum recipientis recipitur: "whatever is received is received according to the manner of the receiver". 31 As Thomas well knew, some of the Fathers of the Church (Basil, Origen, Jerome and Augustine) had responded in a similar way to a difficult problem: What was to be done with pagan traditions in a Christian world? Their solution was to stress what we now call selective appropriation, or in their much more vivid vocabulary, "loot" (spolia). Augustine, quoting Exodus iii.22, "spoliabitis Egyptum", compared the Christian use of the classics to the people of Israel plundering Egypt's treasure when they left. For their part, Origen and Jerome, quoting *Deuteronomy* xxi.11–13, used the striking sexist metaphor of the beautiful captive: Christian readers could make the pagan classics serve their own purposes, just as the Israelites had used the Egyptian women they captured and enslaved, shearing their hair and paring their nails.³² Basil of Caesarea used the metaphor of bees who "neither approach all flowers equally, nor try to carry away those they choose entire, but take only what is suitable for their work and leave the rest untouched".33

The Church Fathers make a bridge to reception theory because two of the major French theorists, Paul Ricoeur and Michel de Certeau, were well-read in patristics. Ricoeur's discussion of appropriation, like Certeau's presentation of re-employment, was itself a translation or creative adaptation of the ideas of Augustine and Jerome. In his most famous study of reception, Certeau referred like Augustine to readers "looting the goods of Egypt to enjoy them themselves".³⁴

3

There are other traditions of reception studies besides the German and the French. In literary studies in the USA, a landmark was Harold Bloom's *The Anxiety of Influence* (1973), which focused not on the influential older

³¹ Thomas Aquinas, *Summa theologiae* (Cologne: Hieratus, 1604), 1a, q. 75, a. 5; 3a, q. 5.

³² Henri de Lubac, *Exegèse médiévale: les quatre sens de l'écriture*, 4 vols. (Paris: Aubier, 1959–64), 1: 290–304.

³³ Werner Jaeger, Early Christianity and Greek Paideia (Cambridge, MA: Harvard University Press, 1962).

³⁴ "ravissant les biens d'Egypte pour en jouir": Certeau, L'Invention du quotidien, 292.

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writer but on the anxious younger one, torn between admiration for a classic and the drive towards originality.

Another approach originated not in literature but in social anthropology. In the 1950s, Edward Evans-Pritchard described the task of interpreting one culture to another as "cultural translation". His approach has been criticized for neglecting the power relations embedded in the translation process, but the same point has been made about interlingual translations, so the analogy still holds. Evans-Pritchard's concept was gradually extended from the anthropologist as translator to refer to acts of translation taking place within the culture being studied. A vivid example of the latter process comes from the American anthropologist Laura Bohannan, describing a story-telling session in a West African village in which she was doing fieldwork. When her turn to tell a story came round, she decided to summarize the plot of *Hamlet*. However, the village elders kept on interrupting her and "correcting" the story. In the process they localized *Hamlet*, adapting it to their environment and so transforming the play into a West African folktale. As a vivid example of the story in the process they localized Hamlet, adapting it to their environment and so transforming the play into a West African folktale.

Bohannan was writing in the 1960s, when the idea of cultural translation was more or less confined to anthropology. Since then, of course, it has spread to scholars in other disciplines. The point that we are all translators whenever we adapt ideas or artefacts to new purposes is made more and more frequently in the age of what has been called the 'translational turn' of the 1990s. Just as translation is viewed as a kind of negotiation, so negotiation may be regarded as a form of translation.³⁸

In religious studies, for instance, it has become almost commonplace to present missionaries as translators between cultural systems. They face a dilemma resembling the dilemma of translators, walking a tightrope between fidelity to the original text and intelligibility to the new audience. For example, in his study of Maurice Leenhardt, a French Protestant missionary in New Caledonia who later became an anthropologist,

³⁵ Talal Asad, "The Concept of Cultural Translation", in *Writing Culture*, ed. James Clifford and George Marcus, 141–164 (Berkeley, University of California Press, 1986).

³⁶ Edward E. Evans-Pritchard, *Social Anthropology* (London: Routledge, 1951), 81–82; Thomas O. Beidelman, ed., *The Translation of Cultures* (London: Tavistock, 1970).

³⁷ Laura Bohannan, "Shakespeare in the Bush," (1966), reprinted in *Critical Essays on Shakespeare's Hamlet*, ed. David S. Kaston (New York: Prentice-Hall, 1995).

³⁸ Anthony Pym, 'Negotiation Theory as an Approach to Translation History: an Inductive Lesson from 15thc Castille', in Yves Gambier and Jorna Tommola, eds., *Translation and Knowledge*, 27–39 (Turku: Grafia Oy, 1993); Umberto Eco, *Mouse or Rat? Translation as Negotiation* (London: Weidenfeld and Nicolson, 1993).

James Clifford wrote about "the idea of a cross-culturally translatable Christianity".³⁹

For a vivid example, or series of examples, of this process of tightrope-walking one might take the case of Matteo Ricci, the Italian Jesuit who became the leading figure in the China mission in the sixteenth century. In the first place, Ricci had to translate himself. He began by wearing the robes of a Buddhist monk, which made him acceptable in his new environment at the price of being treated as someone of low status. Worse still for the mission, the Chinese perceived Catholic doctrine "through the lens of Buddhism", viewing images of the Virgin Mary, for instance, as representations of the local deity Guanyin.⁴⁰

Reacting against what he perceived to have been a cultural mistranslation, Ricci took off his monk's clothes and put on the robes of a Chinese scholar. He also began to present Christianity as consistent with the ideas of Confucius, "accommodating" it, as he put it, to the local culture. Hence he described the Christian God to the Chinese as "Lord of Heaven" (*Tianzhu*) or "High Sovereign" (*Shangdi*), since references to Heaven and to the High Sovereign occur in the Confucian classics. Ricci also faced the difficult decision whether to treat the cult of ancestors as a form of religion, in which case his converts would have to abandon it, or as a social custom, in which case it would be retained. Ricci and his successors in the mission chose the latter option. In this way they made more converts—at the price of being denounced by rival missionaries as unchristian.⁴¹

Another field in which the idea of cultural translation has become prominent is film studies. After all, in the world of the cinema adaptations of texts are commonplace, while some adaptations involve not only a change of medium, but also a transfer from one country or one period to another.⁴² A spectacular example of such a transfer in space, time and culture is Akira Kurosawa's *Throne of Blood* (1957), a film that translates Shakespeare's *Macbeth* (itself a cultural translation from eleventh-century

³⁹ James Clifford, Person and Myth: Maurice Leenhardt in the Melanesian World (Berkeley: University of California Press, 1982), 79. Cf. Cristina Pompa, Religião como tradução. Missionários, Tupi e Tapuia no Brasil colonial (São Paulo: ANPOCS, 2003).

⁴⁰ Ronnie Po-chia Hsia, *A Jesuit in the Forbidden City. Matteo Ricci*, *1552–1610* (New York: Oxford University Press, 2010), 92, 168. Cf. Qiong Zhang, "The Politics of Cultural Translation and Interpretation in the Early Jesuit Mission," in *Tokens of Exchange: the Problem of Translation in Global Circulation*, ed. Lydia Liu, 74–106 (Durham, NC, 1999).

⁴¹ Po-chia Hsia, *A Jesuit*, 81, 138, 158, 293–8.

⁴² Brian McFarlane, *Novel to Film: an Introduction to the Theory of Adaptation* (Oxford: Clarendon Press, 1996), especially 8–10.

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Scotland to Jacobean England) into the feudal world of sixteenth-century Japan.

The metaphor of translation has the great advantage of emphasizing agency, drawing attention to the work of adaptation performed by individual mediators between cultures, academic disciplines and so on. It also reminds students of reception to look for what is 'lost in translation', or what is distorted: as Cervantes memorably wrote, reading a text in translation is "like viewing Flemish tapestries from the wrong side".⁴³

4

The idea of reception, as it has been elaborated and developed over the last generation, offers insights and opportunities to intellectual historians, although problems come in its train. Reception theory still bears the marks of the contexts in which it originated. In the case of Jauss and Iser, this context includes German literary studies in the late 1960s, when the theorists belonged to a new generation in revolt against an older one. Again, the ideas of Harold Bloom about the anxiety of influence, presented as universal, are formulated with reference to poets of the nineteenth and twentieth centuries. However, these ideas still have their uses for historians if they are suitably adapted. A study of poets of the Renaissance, for instance, would have to begin by recognizing that attitudes to imitation were not the same as later romantic and post-romantic ones.

Reception studies enrich intellectual history by encouraging scholars in the field not to limit themselves to the reconstruction of the intentions of major thinkers, but to ask a much wider range of questions about recontextualizations, responses, uses, and so on. A comparative approach is particularly illuminating, focusing on the warm or cool reception of the same text or author in different countries, for instance, or that of different authors in the same country. However, even in the case of one text in one country it may be prudent to speak of 'receptions' in the plural: witness, for instance, the divided British responses to Salman Rushdie's *Satanic Verses* when it first appeared in 1988.

As usual, new opportunities are accompanied by new problems, two in particular. In the first place, what shapes reception? To what extent does it depend on affinities, resonances or merging horizons of expectation?

⁴³ Miguel de Cervantes, *Don Quixote*, ed. Francisco Rico (Barcelona: Instituto Cervantes, 1999), Part 2, ch. 62.

Apparent affinities, or the recognition of the self in the other, have played an important part in the cultural relations between Japan and the West. For example, the interest in Japanese art in France at the end of the nineteenth century was related to the rise of Impressionism. Camille Pissarro, an enthusiast for the work of Utagawa Hiroshige, described him as "a marvellous Impressionist". Conversely, a Japanese art historian, Yukio Yashiro, published a book on Botticelli in 1925 in which he compared his work to that of Japanese artists such as Kitagawa Utamaro.

Insofar as reception can be shaped, the bibliographer Don McKenzie has noted the importance of the physical layout of books (the size of pages, the fount of the type, etc) as part of the message of the text. As he put it, "forms effect meanings". In similar fashion, as we have seen, the French critic Gérard Genette emphasized 'paratexts'—dedications, epigraphs, introductions, prefatory verses, illustrations, notes, indexes and so on—as so many means, available to authors, editors and publishers, of managing the responses of readers. Again, book reviews have helped to shape the expectations of other readers (and of some non-readers), from the invention of the genre in the learned journals of the late seventeenth century until today.⁴⁴

When a text is translated, the translator has the power to shape reception, especially when the domesticating mode of translation is adopted. This was generally the case for early modern translators, who allowed themselves to omit and add passages and even to transpose the text from one locale to another. When Machiavelli's *Arte della Guerra* was translated into Spanish, the dialogue was displaced from Italy to Spain while the speakers, originally the Roman Fabrizio Colonna and the Florentine Cosimo Rucellai, were turned into two Spaniards, the Great Captain Gonzalo Fernández de Cordoba and the Duke of Najara. Why? Presumably Spanish readers in the age of the famous *tercios* would not have expected to learn anything about war from Italians. Such an idea was beyond their horizon, and so cultural translation was necessary.

Thomas More's *Utopia* makes a particularly interesting case of the reception process because it might be described, like Castiglione's *Cortegiano*, as founding a genre to which it did not itself belong. *Utopia* was not

⁴⁴ Donald F. McKenzie, *Bibliography and the Sociology of Texts* (London: British Library, 1986); Gérard Genette, *Seuils* (Paris: Seuil, 1987).

⁴⁵ Peter Burke, "Cultures of Translation in Early Modern Europe," *Cultural Translation in Early Modern Europe*, ed. Peter Burke and R. Po-chia Hsia, 7–38 (Cambridge: Cambridge University Press, 2007).

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written as a blueprint for an ideal society any more than the *Cortegiano* was written as a guide to good manners. They were transformed into such guides or blueprints by their printers, editors, translators and imitators. A recent collective study of More's *Utopia* in early modern Europe shows very clearly how editions and translations may be analysed to reveal the history of reception, based as it is on a careful analysis of the German, Italian, French, English, Dutch and Spanish translations of the text together with the paratexts that appear, disappear and on occasion reappear in different editions. ⁴⁶ It would be good to see Bodin's major works treated in the same way.

Another illuminating case-study is concerned with the reception of the writings of Adam Ferguson in eighteenth-century Germany, focusing on problems of translation from one 'discourse' (in the sense of a network of interconnected concepts) into another. When Ferguson's key concept of "civil society" was rendered as *bürgerliche Gesellschaft*, for instance, it changed its meaning because the German phrase, unlike the English one, "did not contain a definite space for the citizen". Again, the use of terms such as *Seele* (soul) to translate "Mind" moved the text in the direction of German Pietism.⁴⁷

Speaking more generally, it might be argued that the law of unintended consequences in history is as valid in the history of reception as it is elsewhere, and that even if translators intend to be faithful to the original, the language and indeed the culture into which they translate serve to condition their work, resulting in a hybrid product.

Such a hybrid product is often seen as a mistranslation, raising a second problem that might be called 'the problem of "mis": not only mistranslation but also misunderstanding, misinterpretation, misreading, misrecognition or misuse—whether or not qualified by the term 'creative'. In the last generation, a number of studies have been devoted to this topic. Harold Bloom, for instance, devoted a book to what he called "misreading". The Brazilian critic Roberto Schwarz wrote a famous essay on "misplaced ideas" (*ideias fora do lugar*). The study of German responses to the writings

⁴⁶ Terence Cave, ed., *Thomas More's Utopia in Early Modern Europe* (Manchester: Manchester University Press, 2008).

⁴⁷ Fania Oz-Salzberger, *Translating the Enlightenment: Scottish Civic Discourse in Eighteenth-Century Germany* (Oxford: Clarendon Press, 1995), 142–4, 158–9.

of Adam Ferguson, cited above, was described by its author as a study of "misreception". 48

The essay on misplaced ideas focuses on what the author calls "the disparity between the slave society of Brazil and the principles of European liberalism". It offers a brilliant critique of Brazilian culture, but fails to recognize that the problem is not one for Brazilians alone, especially in an age of increasing "cultural mobility".⁴⁹ Whenever ideas are taken to new places, they are necessarily 'out of place'. Again, to speak of "misreception", as the study of Ferguson does, implies that a correct reception is possible, even though all reception involves some element of adaptation and recontextualization.

Rather than setting up a binary opposition between correct and incorrect, it might be more useful to speak of degrees of distance from the original. In any case, historians need to take account of the opposite points of view of donors and recipients. For donors, any adaptation or translation looks like an error. On the other hand, recipients often perceive their adjustments as corrections, like the West African elders cited above who corrected Shakespeare's *Hamlet*. It is sometimes reasonable to speak of 'mistranslation', or of 'misunderstandings' between individuals or groups, but the term 'misreception' remains problematic.

The study of Ferguson also raises the old problem of translatability, discussed by Iser among others.⁵⁰ In many languages, perhaps in all, there are certain words that the natives deem to be untranslatable. They have a special aura, a richness of associations that is lost in translation. Unfortunately for foreigners, these terms usually play a central role in a given culture, so much so that Rushdie could remark in another of his novels, *Shame*, that "to understand another culture, look at its untranslatable words".

The problem is so acute that it has led the author of one penetrating study of translation to describe that activity as a "wager"; to speak of equivalent terms in different languages as "constructed" rather than found; and even to abandon the central concept altogether, replacing "translation"

⁴⁸ Harold Bloom, *A Map of Misreading* (New York: Oxford University Press, 1975); Roberto Schwarz, "Misplaced Ideas", in *Misplaced Ideas: Essays on Brazilian Culture* (1977), ed. John Gledson, 19–32 (London: Verso, 1992); Oz-Salzberger, *Translating the Enlightenment*, 2–3, 77–85.

 $^{^{49}}$ Elias J. Palti, "The Problem of 'Misplaced Ideas' Revisited," $Journal\ of\ the\ History\ of\ Ideas\ 67\ (2006): 149–79; Stephen Greenblatt\ et\ al.,\ Cultural\ Mobility:\ a\ Manifesto\ (Cambridge: Cambridge University\ Press,\ 2010).$

⁵⁰ Budick and Iser, *Translatability*.

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by "translingual practice", defined as "the process by which new words, meanings, discourses and modes of representation arise, circulate and acquire legitimacy within the host language due to, or in spite of, the latter's contact/collision with the guest language".⁵¹ In similar fashion, historians and philosophers of science, notably Thomas Kuhn, have argued that successive theories or paradigms were incommensurable, changes of world view that made rational comparison impossible.⁵²

Once again, though, a binary opposition, in this case between translatable and untranslatable, commensurable and incommensurable, oversimplifies a complex situation. We are better served by notions of a better or worse fit or of greater or lesser translatability or commensurability between words, languages and cultures. This conclusion has been reinforced by an exemplary study of nineteenth-century Japan, inspired in part by the work of Koselleck.⁵³

After 1868, the new rulers of Japan set out to modernize the country by following western models, partly in order to protect themselves from the West. Scholars lent a hand in the process, translating certain books from English into Japanese, among them works by Charles Darwin, T. H. Huxley, Herbert Spencer and John Stuart Mill, whose essay *On Liberty* was translated in 1871. In Mill's case, the central problem was the translation of the word "liberty" itself. The translator searched for an equivalent term in the Japanese tradition and chose *jiyu*, a word that had already been used in early modern times to translate the Latin *libertas* and the Dutch *vrijheid*. However, *jiyu* carried a heavy negative connotation, associated as it was with selfishness and wilfulness in a culture that, unlike that of the West, favours the community over the individual. This example reveals with exemplary clarity some of the cultural as distinct from the linguistic obstacles to successful translation.

It is likely that the first Japanese readers failed to understand Mill's praise of liberty. On the other hand, their successors probably understood

⁵¹ Lydia H. Liu, *Translingual Practice* (Stanford: Stanford University Press, 1995), 26; Liu, ed., *Tokens of Exchange* (Durham, NC: Duke University Press, 1999), 5, 34.

⁵² Thomas S. Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962), 110–11.

⁵³ Douglas Howland, "Translating Liberty in Nineteenth-Century Japan," *Journal of the History of Ideas* 62 (2001): 161–81. Cf. Howland, *Translating the West: Language and Political Reason in Nineteenth-Century Japan* (Honolulu: University of Hawaii Press, 2002). Cf. Jörn Leonhard, "Language, Experience and Translation: towards a comparative dimension", in Javier Fernández Sebastián, ed., *Political Concepts and Time*, 245–72 (Santander: Cantabria University Press, 2011).

him better a generation later after the new meaning of *jiyu* had established itself. Generalizing, perhaps rashly, from this example, one might suggest that when foreign words enter a given semantic field they are likely to be domesticated, transformed by the force of the other terms in the field.⁵⁴ In the course of time, however, the field itself may be transformed by these newcomers.

In making this suggestion I am myself re-employing the ideas of a distinguished anthropologist, Marshall Sahlins, whose reflections on the impact of Captain Cook, and more generally of British culture, on Hawaii from the late eighteenth century onwards distinguish two phases. In the first phase, the events which took place in Hawaii were "ordered by culture". The Hawaiians saw Cook's visit in terms of their own cultural traditions, thus "reproducing" the contact with another culture in the image of their own (or to use the language of this chapter, making a cultural translation). However, in the course of this re-ordering or reproducing, Hawaiian culture was transformed or re-ordered. What seems to have happened in the Japanese case is that in a first phase the new idea of liberty was absorbed into a traditional linguistic field. At a certain point, though, once a critical threshold was passed, the field was re-ordered.

As these examples suggest, translation, whether between languages or cultures, is not a marginal topic for historians, even if it has entered their agenda only recently. If "the past is a foreign country", historians are all translators from the language of the past into that of the present. One might even say that this activity is their *raison d'être*. Like other translators, they face a central dilemma, between fidelity to the language they are translating from and intelligibility to the public for whom they are translating. In other words, the dilemma is not confined to the history of reception: it is built into the enterprise of history itself.

 $^{^{54}}$ On semantic fields, Howland, *Translating the West*, 28–9.

 $^{^{55}}$ Marshall Sahlins, *Islands of History* (Chicago: University of Chicago Press, 1985), 136–56.

CHAPTER TWO

ON BODIN'S METHOD

Marie-Dominique Couzinet

Method is the first, and maybe the most obvious thorough-going theme in Bodin's works. It is for him a constant preoccupation, a means of supplving bridges from one book to another. Yet Bodin rarely formulates methodological propositions as such, and he offers no proper 'discours de la méthode'. Nevertheless he is acutely conscious of the importance of exposition. At the outset of the project to which this chapter is a contribution, it was suggested that "any inquiry into Bodin's use of his materials and his works' reception must begin by reviewing the present state of knowledge in relation to the range of sources upon which he drew, the balance between them, and the nature of his expository techniques." I shall focus mainly upon the last of these and shall bear in mind a series of questions also posed as the project began: Was Bodin a Ramist? Was he essentially a jurist? Was he predominantly a humanist? What about his continued use of elements of scholastic methodology? Did he develop and deploy a distinctive methodological synthesis? And lastly, did Bodin's own progression exemplify a change in the orientation and methodology of contemporary thought? I shall reflect on some sources of Bodin's method, on how he used them, and how his method generated shifts in the meanings of his sources. I shall first offer a somewhat technical discussion of method in the eponymous work, the Methodus, and then consider methodology in a broader sense, in relation to three others of Bodin's works: Les Six livres de la république, the Universae naturae theatrum, and De la Démonomanie des sorciers,¹ whilst also touching on others of our author's significant works.

¹ For an important bibliography on the subject of Bodin's method, cf. Marie-Dominique Couzinet, *Bibliographie des écrivains français: Jean Bodin* (Paris-Rome: Memini, 2001).

1. Method in the Methodus

As I have previously tried to argue,² by applying method to history in his *Methodus ad facilem historiarum cognitionem* Bodin certainly proposed a distinctive methodological synthesis, a sort of *reductio artium ad historiam*. But he provided only infrequent indications of his logical procedures. I had therefore to draw inferences or even to make assumptions about the sources of his methodology. I argued that his application of method to history was rooted in Bodin's perception of their common spatial nature. Hence his recognition and use of geography as a 'natural' topic referred to a 'natural' dialectic, as a mode of reasoning structured in accordance with its object. In examining these processes Bodin generated different sorts of shifts: at first, a shift in the genre of the *artes historiae*. In what follows I shall attempt to elucidate these.

(1) As Julian Franklin demonstrated, Bodin played his part in "the sixteenth century revolution in the methodology of law and history," by substituting an art of reading for the art of writing history, and by developing a comparative approach to universal jurisprudence. While these are two closely related matters, it is the former that concerns us here. In this connection I argued that Bodin equated the history to which he applied his art of reading with the whole of human memory. This is consistent with the definition of history as memory in general to be found in the Italian tradition, specifically in Francesco Patrizi's *Dialoghi della istoria*, published in 1560.⁴ It also approximates to the arts of memory which presented constructions of the world as theatres of nature.⁵ But the Bodinian shift from the writing to the reading of history entailed a corresponding shift in rhetorical procedures, such that historical knowledge relied no longer upon images and imagination (*inventio*), but upon the order of exposition (*dispositio*), upon modes of teaching historical material.⁶ The

² Marie-Dominique Couzinet, *Histoire et méthode à la Renaissance: une lecture de la Methodus de Jean Bodin* (Paris: Vrin, 1996).

³ Julian H. Franklin, *Jean Bodin and the Sixteenth Century Revolution in the Methodology of Law and History* (1963; repr. Westport CT: Greenwood Press Publishers, 1977).

⁴ Della istoria dieci dialoghi di M. Francesco Patritio, ne'quali si ragiona di tutte le cose appartenenti all'historia e allo scriverla e all'osservarla (Venetia: Andrea Arrivabene, 1560), in Eckhard Kessler, Theoretiker Humanistischer Geschichtsschreibung, Nachdruck exemplarischer Texte aus dem 16. Jahrhundert (München: Wilhelm Fink, 1971).

⁵ Cf. Paolo Rossi, *Clavis universalis: arti della memoria e logica combinatoria da Lullo a Leibniz* (1960; repr. Bologna: Il Mulino, 1983).

⁶ Cf. Frances A. Yates, *The Art of Memory* (London: Routledge and Kegan Paul, 1966).

resultant approach bore much similarity to that of the highly influential teacher and theoretician of rhetoric and dialectic, Peter Ramus.

Julian Franklin has highlighted the link between the "reading of historians" as "the ideal form of political and moral education," and the rise of "a methodology or general theory of historical criticism." But he discussed the second of these by reference only to "the rules for testing historical assertions" that Bodin develops in Chapter IV of the *Methodus*, omitting the other components of the book. Bodin's view of history and historians as two different objects was overlooked: "the choice of historians (*de historicorum delectu*)", Chapter IV; and Bodin's major criterion for evaluating the narrative tradition, his theory of climate, in "the correct evaluation of histories (*de recto historiarum judicio*)", Chapter V. I tried to show that this criterion was more important than the single one retained by Franklin, which is certainly closer to our modern conception of historical science. We may note that Montaigne takes it up in his *Essays*, 8 even though he criticizes Bodin for the latter's judgement on Plutarch. 9

(2) Bodin's *Methodus* persistently subordinates the reconstruction of the past to its reuse for the present. Thus, the approach remains within the framework of *historia magistra vitae*, but again produces a shift in its interpretation. Priefly, in line with Machiavellian notions that analysis of what motivates human actions is vain, Bodin does not search any longer for historical knowledge in human actions conceived as resulting from free and unknowable wills. Rather, he seeks it in the "nature" of the agents, defined by their belonging to a people situated on the surface of the earth and at a point of the temporal cycle. The natures of peoples are the elements of the theory of climate, which is at once a natural topic, that is natural *loci communes* (a universal setting for classifying and integrating items of information), and an instrument for critical reading of the histories. It facilitates judgement of historians' veracity by projecting their contradictory opinions on to the surface of the earth, considered as a system

⁷ Franklin, "Introduction" to his *Methodology*, 3. Bodin recommends the reading of historians in his *Consilium* on the education of the prince, *Consilia Iohannis Bodini . . . de principe recte instituendo* (Weimar, 1602; Erfurt, 1603), in Jean Bodin, *Selected Writings on Philosophy, Religion and Politics*, ed. Paul L. Rose (Geneva: Droz, 1980), 14.

⁸ Michel de Montaigne, *Les Essais*, ed. P. Villey and V.-L. Saulnier (Paris: Presses Universitaires de France, 1965), II.xii: 575.

⁹ Montaigne, Essais, II.xxxii: 722 sq.

¹⁰ Marie-Dominique Couzinet, "La Bibliographie de l'histoire dans la *Methodus* de Bodin," in "L'Histoire en marge de l'histoire à la Renaissance," *Cahiers Verdun-Louis Saulnier* 19 (2002): 49–60; "Jean Bodin et l'art de lire: la bibliographie de l'histoire," in Couzinet., *Sub specie hominis: études sur le savoir humain au XVIe siècle* (Paris: Vrin, 2007), 225–35.

of places, astronomical, geometrical, geographical and metereological in nature. Agreement or disagreement between the opinions of human and natural historians and the nature of places and persons living in these places underpins assessment of the extent of their reliability. Further, there are grounds for suggesting that Bodin discovered in Polybius a definition of 'general history' and an order of the treatment of histories, from general to particular, corresponding to the order imported from Ptolemaic cosmography. 11 Again as I have argued, Bodin found in the Ptolemaic maps images of the earth that could be read and measured. Abraham Ortelius (who was a friend of Bodin's) expanded them, inventing the atlas, in his Theatrum orbis terrarum (1570). These elements modify the conception of historical intelligibility which no longer lies in a narrative order giving an epic unity to what historians write, but in the reading order proposed by Bodin which turns the reader into a judge. It is abundantly clear that his sources did not lie exclusively in logic or dialectic, but also in a series of practices borrowed from cosmography.

Furthermore, methodical order from general to particular is a general device that Bodin says he found applied in the other arts, and he proposes to extend it to the art of history. It applies to all three of the modes of history identified at the outset of the *Methodus*, human, natural and divine, considered in the order followed by the human mind. It is noticeable that he does not call this 'methodus,' but, rather, uses the more generic term, 'analysis:'

To begin with, let us apply that pre-eminent guide to the teaching of the arts which is called analysis. This, in general, teaches how to cut into parts and how to redivide each part into smaller sections and with marvellous ease explains the cohesion of the whole and the parts in mutual harmony. 12

Analysis implies the order from general to particular by which Plato, in the *Phaedrus*, characterizes the second "path" used by the dialectician, the

¹¹ Cf. Frank Lestringant, "Jean Bodin cosmographe," in *Jean Bodin. Actes du colloque interdisciplinaire d'Angers, 24–27 mai 1984, 2* vols. (Angers: Presses de l'Université d'Angers, 1985), 1: 133–45. Also in F. Lestringant, *Écrire le monde à la Renaissance. Quinze études sur Rabelais, Postel, Bodin et la littérature géographique* (Caen: Paradigme, 1993), 277–90.

^{12 &}quot;Principio adhibeatur praestans illa docendarum artium magistra, quae dicitur analysis: quae universum in partes secare, et partis cujusque particulas rursus dividere, totiusque ac partium cohaerentiam quasi concentum inter ipsa mira facilitate docet": Bodin, *Methodus*, ed. P. Mesnard (Paris: Presses Universitaires de France, 1951), cap. 2, 116a; Bodin, *Method for the Easy Comprehension of History*, trans. Beatrice Reynolds (New York: Columbia University Press, 1945), 20 (modified). Except where otherwise stated, all references to the *Methodus* in this chapter will be to Mesnard's edition.

first being synthesis (Plato writes: "synopsis").¹³ It is characterized by the cohesion of the whole, here conferred by the order imposed upon reading which is prompted by a vision of the relationship between the whole and the parts.¹⁴ Bodin applies the analytic method all over the *Methodus*, and signals as much in his description of the composition of the book at the end of the *proemium*:

Then, in order that what we are going to write about the historical method may have some outline (*aliquam doctrinae viam*), we shall at the beginning divide and define history, then teach the order of histories.¹⁵

So Bodin begins with a definition of the object—in Chapter I of the *Methodus*, on what history is and how many kinds there are. Thereby he follows Plato's *Phaedrus*, where Hippocratic "method" (here Plato uses the proper term) requires one, in order to know the nature of something, to analyze it and to decide whether it is simple or complex, ¹⁶ always referring to the nature of the whole. ¹⁷ For Plato, "method" applies in medicine to the nature of the body; in oratory, to the nature of the soul; and likewise in all the arts. ¹⁸ It tallies with the providential organization of the cosmos which the true dialectician is able to reproduce in his divisions and synthesies. It embraces the act both of speaking and of thinking (as indicated in the double meaning of *logos*). As for Plato, this order of exposition, referring to the providential organization of the cosmos, is necessary.

In Chapter II of the *Methodus* Bodin prescribes the order of histories, the order in which they must be read. In the tenth chapter he collects and orders historians (*De historicorum ordine et collectione*) in the same way that he previously defined and ordered histories. This bibliography (or library) is different from the list of categories presented as a scheme for taking notes by *loci communes* in Chapter III. Here Bodin does not pronounce judgements: whereas such pronouncements are clearly the aim of Chapter IV concerning the historians, and Chapter V concerning the histories. Unlike German authorities, Bodin's bibliography does not reproduce the scheme of the "four monarchies" to criticism of which he

¹³ Plato, Phaedrus, 265d.

¹⁴ Plato, Phaedrus, 266a-b.

¹⁵ "Ut igitur aliquam doctrinæ viam habeat hoc quicquid est quod de historica methodo scribere aggredimur, principio historiam partiemur ac definiemus, deinde historiarum ordinem trademus": Bodin, *Methodus*, Proemium, 114a; cf Reynolds, *Method*, 14 (modified).

¹⁶ Plato, Phaedrus, 270d.

¹⁷ Plato, Phaedrus, 269d-270c.

¹⁸ Plato, Phaedrus, 269e.

devotes his Chapter VII. Instead, he follows the order of historians who wrote on different peoples.¹⁹

Considered as a whole, Bodin's *Methodus* is dominated by analysis, classification and comparison. But he also involves the use of *loci communes*, applies a theory of judgement and refutation derived from dialectic, evaluates chronologies, offers a critical bibliography (or "library"). All in all, the *Methodus*, when considered in all its components, appears to be a complex construction, poised at the interface between an encyclopaedic project and a programme of studies, and reducible neither to a single tradition nor to a single instrument.

(3) A third shift produced by Bodin's historical method lies in its relationship with his project of developing a comparative approach to universal jurisprudence. In the dedicatory epistle of the *Methodus* he identifies this as his point of departure, and it seems to correspond to his *Juris universi distributio* which remained unpublished until 1578.²⁰ So, the question of the juridical character of Bodin's method is inseparable from the question of its genesis.

Bodin explains his approach to universal jurisprudence by distinguishing three different forms of writing: 'invention', 'disposition' and 'correction'. The medieval glossators, who had amplified Roman law with their overwhelming comments, might be deemed to have practised 'invention'. The "grammatical pest" (in Bodin's sardonic phrase levelled at some of his humanist contemporaries), preoccupied with verbal niceties, indulged in 'correction'. Bodin makes the second choice, 'disposition'. What he proposes is a systematic exposition of universal law. This requires consideration of law as an 'art'; and in the Aristotelian tradition, this signifies universality. ²¹ Accordingly, Bodin speaks not of Roman law, but of universal law, presented as a system of principles. In his *Juris universi distributio*, the system follows the four Aristotelian causes, material, efficient, formal and final. Here Bodin applies to history the analytic method that was to be used in all the arts.

The choice of *dispositio*, also termed *judicium* (judgement), is not only a rhetorical choice. It relates to Bodin's own response to the problem of the

¹⁹ See Couzinet, "Bibliographie de l'histoire" (above, p. 41, note 10).

²⁰ "Quanquam neque ex mea voluntate et præter expectationem, ab altiore quodam de legibus instituto, sum ad hoc genus scriptionis casu delapsus": Bodin, *Methodus*, dedicatory epistle, 107a. Cf Reynolds, *Method*, 1: "though against my own wish and contrary to expectation circumstances have forced me to digress from a somewhat more important plan to write on the laws".

²¹ Aristotle, *Metaphysics*, 981^a15.

juridical norm. The solution was not to be found in the textual tradition of the commentators with whose work he was eminently familiar through his legal training at Toulouse. It lay, rather, in an association between a collection of juridical materials in the histories of *respublicae* (following Plato's command), and a systematic presentation which ensured its conformity to reason, as previously illustrated in Matteo Gribaldi Mofa's *De methodo ac ratione studendi iuris* (1541).²² 'Reason' from this perspective is no longer the conventional 'consensus of the learned (*communis opinio doctorum*)'. It is embodied in the best kind of interpreters that Bodin reidentifies in the dedication of the *Methodus*, having previously done so in his oration on education at Toulouse.²³ These interpreters are at the same time learned, trained in forensic practice and in philosophy; they are humanists who know Latin and Greek, they know the first principles of jurisprudence and they are able to proceed to its systematic exposition:

The last type consists of those trained not only by precepts and forensic practice but also in the finest arts and the most stable philosophy, who grasp the nature of justice, not changeable according to the wishes of men, but laid down by eternal law; who determine skilfully the standards of equity; who trace the origins of jurisprudence from ultimate principles; who pass on carefully the knowledge of all antiquity; who, of course, know the power and the dominion of the emperor, the senate, the people, and the magistrates of the Romans; who bring to the interpretation of legislation the discussion of philosophers about law and the state; who know well the Greek and Latin languages, in which the statutes are set forth; who at length circumscribe the entire division of learning within its limits, classify into types, divide into parts, point out with words, and illustrate with examples.²⁴

²² Cf. Diego Quaglioni, "L'Éducation du juriste face au pouvoir: la 'methodus' de Matteo Gribaldi Mofa," in *Science politique et droit public dans les facultés européennes (XIIIe-XVIIIe siècles)*, ed. Jacques Krynen and Michael Stolleis (Frankfurt: Vittorio Klostermann, 2008).

²³ Oratio de instituenda in republica juventute ad senatum populumque Tolosatem (Toulouse: 1559).

²⁴ "Extremum genus est eorum, qui non modo præceptis ac usu forensi, verumetiam præclaris artibus et solida philosophia informati, iustitiæ naturam non ad hominum voluntates mutabilem, sed æterna lege definitam amplectuntur; qui normam æquitatis perite tractant; qui iuris origines ab ultimo principio deducunt; qui omnis antiquitatis cognitionem accurate tradunt; qui principis, senatus, populi magistratuumque Romanorum imperium ac potestatem plane tenent; qui philosophorum de legibus et Republica disputationes ad ius interpretandum afferunt; qui Græcam et Latinam linguam, quibus descriptæ sunt leges, minime ignorant; qui denique artem universam suis finibus circunscribunt, generibus notant, in partes distribuunt, verbis designant, exemplis illustrant": Bodin, *Methodus*, dedicatory epistle, 108b; cf Reynolds, *Method*, 6 (modified).

In the Methodus, Bodin replaces law by history, with the same characteristics.

(a) To become an art, history must be universal:

I call that history universal which embraces the affairs of all, or of the most famous peoples, or of those whose deeds in war and peace have been handed down to us from an early stage of their national growth.²⁵

In *Methodus*, Chapter II, Bodin explains that the arts deal not with singulars, but with universals: that is, with universal law, compiled through comparison of laws considered on a global historical scale, and with universal history, compiled through comparison of different peoples' histories.

(b) History is also juridical, not simply as a repository of law, the civil laws of the different peoples, but because it is unified under the eye and through the judgement of the reader. This follows the model of the Greek historians of Roman history, who considered the unification of universal history under the domination of Rome as a juridical process. Here, we may understand the central significance of "constitutional changes (metabolai politeiôn)" in the Methodus, a theme which Bodin will develop in his République. They identify the framework of biological and juridical processes—dictated by divine justice—that structure history:

Indeed, in history the best part of universal law lies hidden, and what is of great weight and importance for the best judgement of legislation—the custom of the peoples, and the beginnings, growth, conditions, changes, and decline of all states—are obtained from it. The chief subject matter of this Method consists of these facts, since no rewards of history are more ample than those usually gathered about the form of states.²⁶

In his *Juris universi distributio*, as in the *Methodus*, Bodin uses analysis or *dispositio*. But he does so via a shift from one sort of *dispositio* to another: in a phrase, from *distributio*, the mode of procedure employed in his examination of universal law, to *methodus*. This involves a distinctive feature of method which Kenneth D. McRae has identified as being of Ramist origin:

²⁵ "Universam historiam appello, quae vel omnium, vel maxime illustrium populorum, vel quorum facta prodita sunt, ab ortus cujusque principio res bello domique gestas complectitur": Bodin, *Methodus*, cap. 2, 116b; cf Reynolds, *Method*, 21.

²⁶ "Et quidem in historia iuris universi pars optima latet quodque ad leges optime diiudicandas magni ponderis est ac momenti, mores populorum ac rerum omnium publicarum initia, incrementa, status, conversiones, exitus ab ea derivantur: in quo præcipuum est huius methodi argumentum; propterea quod fructus historiæ nulli sunt uberiores, quam qui de statu Rerumpublicarum decerpi consueverunt": Bodin, *Methodus*, dedicatory epistle, 109b; Reynolds, *Method*, 8 (modified).

In law it seems clear that the heart of the problem is in the discovery of the arguments, and that the most difficult task is that of making the successive divisions in the proper manner....History, by contrast, presents a different sort of problem, for it seems to bear some resemblance to grammar, the example chosen by Ramus himself to illustrate the use of *methodus*. In this subject, Ramus says, all the definitions, divisions and rules are present and proved at the start, though mixed together indiscriminately. "Here I ask what part of dialectic teaches me to arrange these confused precepts and reduce them to order." It will not be invention, for all the arguments are present. Nor will it be enunciation or syllogism, for there is no controversy over the validity of the rules. Hence methodus must be the only technique that is called for.²⁷

With its disconnected parts (*membra disjecta*), law has to be constituted as an art through synthesis (or synthetical analysis). In contrast, history is already structured as an art by historians, and therefore does not require synthesis. Bodin writes:

We must not attempt a synthesis [sc. invention] since nearly all the members of history are nicely adjusted to each other and cemented into one body, as it were, by the great industry of scholars; but by some people they are unskilfully separated. There is, however, such great cohesion of the parts and of the whole that if they are torn asunder they cannot possibly stand alone.²⁸

Distributio, which appertains to 'invention', is at once an analysis and a synthesis, because it unifies its objects. 'Method', on the other hand, is analysis considered only as order. Here, Bodin uses a technical sense of 'method' that appeared for the first time in the 1546 edition of the *Dialectici commentarii*, published under the name of Ramus's associate, Omer Talon, and repeated by Ramus in successive versions of the *Dialectica*.²⁹ So, we may observe that Bodin extended to law and history

 $^{^{27}\,}$ Kenneth D. McRae, "Ramist Tendencies in the Thought of Jean Bodin," *Journal of the History of Ideas*, 16 (1955): 317–18.

²⁸ "Nihil enim in synthesi nobis est elaborandum, cum historiarum fere omnium membra inter se apta sint, magnoque studio ab eruditis in unum veluti corpus coagmentata: sed imperite a nonnullis separantur. est autem partium ac totius tanta cohaerentia, ut si divellantur a se ipsa nullo modo constare possint": Bodin, *Methodus*, cap. 2, 116a.

^{29 &}quot;Methodus, est multorum et bonorum argumentorum dispositio: ea duplex est, altera doctrinae, altera prudentiae, non quod utraque prudentiae non sit, sed quod altera doctrinae et artis nil fere habeat, sed ex hominis naturali iudicio prudentiaque pendeat. Methodus igitur doctrinae est dispositio rerum variarum ab universis et generalibus principiis ad subiectas et singulares partes deductarum, per quam tota res facilius doceri, percipique possit. In qua tantum illud est praecipiendum, ut in docendo generalis et universa declaratio praecedat, qualis est definitio et summa quaedam comprehensio, tum sequatur

the general Ramist project of a systematic presentation of all the arts, just as Ramus's disciple Johann Thomas Frey (Freigius) did contemporaneously, and strictly in accordance with Ramist orthodoxy.³⁰ This does not make Bodin a Ramist. Bodin co-ordinates by degrees elements of different provenances. His thought was in perpetual evolution, until his death; and he also uses non-specifically 'Ramist' devices. Even so, we may explore Ramus's contribution to his thinking a little farther.

(4) Although Ramus had not touched the subject of law, he did treat—albeit briefly—of history. Some years before the publication of Bodin's *Methodus*, Ramus composed a treatise on the Gauls which may be regarded as a modest but significant precedent for Bodin's work.

As Bodin explained in the dedicatory epistle of the *Methodus*, it was his encounter with history that induced him to adjust his research from a comparative investigation of universal jurisprudence towards a comparative study of politics, historically and philosophically approached, as *metabolai politeiôn*. Ramus himself significantly modified his own approach in his later publications, after he had encountered the specific problems raised by the reading of history. Probably, this encounter with history was not the only reason for the change, but I believe that it played an important part. In a sense, Ramus's *Liber de moribus veterum Gallorum* (1559) is a patriotic treatise, but it is more than that. Based on Caesar's commentaries on the Gauls, it is, in line with Bodin's *Methodus*, a presentation of history to be read. Ramus offered it to that leading politician the Cardinal de Lorraine, together with his *De Caesaris militia* which was based on Caesar's commentaries on the Roman army.

Both works were the fruits of Ramus' lectures on Caesar's *Commentarii* de bello gallico. As Ramus explains, their distinctiveness springs from the

specialis per distributionem partium explicatio: postremo partium singularium definitio, et ex idoneis exemplis illustratio. Quod ut facilius dicatur, familiari utar exemplo. Grammaticae sint omnes regulae, definitiones, divisiones repertae: sint exempla grammaticae inventa, omniaque vere et recte iudicata ac aestimata: sint omnes illae praeceptiones tabellis varie dissectis inscriptae, et mille modis in urna aliqua, ut in ollae ludo fit, circunvolutae. Hîc quaero quae pars dialecticae me doceat confusa illa praecepta componere et in ordinem redigere. Inventionis dialecticae praeceptis nihil hîc opus est: Inventa enim sunt omnia, sunt omnes partes vere probatae atque iudicatae. Syllogismo nihil opus hîc erit: quia quid hic verum sit, intellectum iam est et perceptum. Methodus igitur et certa dispositionis via sola requiritur, quannam simplicem doctrina nobis ostendit universa primum generaliaque, deinde specialia et singularia collocantem": Omer Talon, "Methodus ac primum doctrinae," in *Dialectici commentarii tres authore Audomaro Talaeo editi* (Lutetiae: Ludovicus Grandinus, 1546), 83–4.

³⁰ Cf. Aldo Mazzacane, *Scienza, logica e ideologia nella giurisprudenza tedesca del sec. XVI* (Milan: Giuffrè, 1971).

fact that, after commenting on the most important sections of Caesar's works in his public lectures, he did not simply publish Caesar's text accompanied by his own comments, as his colleagues and he himself used to do. Rather, he decided to collect items of information separately (*separatim*), in order to develop comparisons.³¹ Here, we are confronted with two different methods of reading with a pedagogical scope: on the one hand, as a continuous commentary on a text; on the other, as an organization of information gleaned from a text, in accordance with the *loci communes* procedure. Ramus recognized that his new order, different from that of commentary, had advantages and disadvantages. In order to avoid repetition and mixture it followed the ideas and no longer the words of the different authors, Ramus correlating with Caesar's observations those of other authors who had written about the Gauls.³² The new order enabled memorization and mastery of greater quantities of information.

The transition from commentary to the collection of items of information "separately" corresponds to a fourfold *distributio*. This follows the four cardinal virtues, according to Plato.³³ Here, the four virtues seem to be equivalent, in moral philosophy, to the four Aristotelian causes in theoretical philosophy which Bodin adopted for his *Juris universi distributio*. Ramus in fact defines his work as a "moral meditation on the history of the homeland",³⁴ and he treats justice as harmonizing all the elements of the *distributio*, just as Bodin was to do in his works. Beginning logically with a geographical description of Gaul, Ramus proceeds "to examine

³¹ "Praelegi professione publica e Caesaris commentariis praecipuos, reliquos privato studio perlegi, similiumque generum locis comparandis, quaedam mihi praeter illum praelectionis quotidianum fructum, separatim decerpenda proposui: Huius igitur uberioris proventus testes duos ad te mitto, alterum de moribus veterum Gallorum, alterum de militia Caesaris": Petrus Ramus, epistola dedicatoria ad Carolum Lotharingum Cardinalem, in *Petri Rami liber de moribus veterum Gallorum* (Paris: Wechel, 1559), sig. a ij vo.

³² "Sed a Caesare Caesarisque velut interpretibus Diodoro, Livio, Strabone atque aliis multa de Gallis commemorantur: quorum authorum verba ipsa si continua proferrem, genera rerum frequenter iteranda aut miscenda essent: sententias igitur potius sequar, sicubi verba disiungere coactus ero. Ergo nobis ad temperantiam abstinantia cibi, potus, veneris, modus orationis, vestitus habitationisque frugalitas, lusus, oblectatio, communicatio rerum ac facultatum suarum separentur": Ramus, *De moribus veterum Gallorum*, fo. 2vo.

³³ "Plato tres principes corporis humani partes esse ait, tres quoque in iis principes animae facultates locatas esse . . . itaque tres virtutis etiam species his regendis praeesse . . . quarum virtutum communis consensus et sui cuiusque officii veluti soni concentus, iustitia dicatur: quamobrem ista quoque Gallicorum morum quadripertita distributio nobis erit": Ramus, De moribus veterum Gallorum, fo. 2vo.

 $^{^{34}}$ "Moralem istam patriae historiae commentationem": Ramus, *De moribus veterum Gallorum*, sig. a iij vo.

the Gauls' habits by various authors, as memory can provide scattered things, and to pick them up briefly, first those of the ancient Gauls, and then (if we succeed at that first stage) we will seek out their new habits."³⁵ Perhaps to a greater degree than in commentaries, this thematic reading led Ramus to refer to more authors, but their circle remains far more restricted than Bodin's: Livy, Diodorus Siculus, Strabo, and—in company with Bodin—the Pseudo-Berosus. In no way does Ramus systematize comparison as Bodin will do in the *Methodus*. In his hands comparison remains limited to the Bretons and the Germans, with the promise to extend it from the ancient habits (*mores*) of the Gauls to contemporary ones in the future. But when he considers "the life of our ancestors and fathers, their battles, their education, their religions, the law and rules of their Commonwealth (*Respublica*),"³⁶ Ramus is very close to Bodin's conception of a total history.

From 1556 on, Ramus did not publish any more commentaries on classical texts.³⁷ Instead, he decisively oriented his works and his collaborators' firmly towards the production of syntheses on the different arts composing the curriculum (grammar, rhetoric, dialectic, etc.). So his treatise on the Gauls can be identified as a sort of intermediary between the commentary on a single text and a handbook bringing together different texts intended to be read. As is evident here, Ramus applies to history an art of reading that may have inspired Bodin to his far more ambitious project. Both consider the geographical entity of the people as the proper object of history, and Ramus' representation of a total history of that people is close to Bodin's. But Ramus's comparative approach is far more limited than Bodin's which extends to universal geography and universal history, in accordance with Bodin's cogitations on universal law. Even so, for Ramus, as for Bodin some years later, political significance is discernible in comparative study of people's customs.

³⁵ "Hac igitur conditione atque lege, Galliae mores e variis scriptoribus, sicuti rerum dispersarum memoria suppetet, recognoscere summatimque subducere statui: et quidem primum antiquae Galliae, deinde (si modo prius illud assecuti sumus) novae mores exquiremus": Ramus, epistola dedicatoria, fo. 1vo.

³⁶ "Prior iste maiorum patrumque nostrorum vitam, praelia, disciplinas, religiones, iura Rerumpublicarum et leges commemorabit, avorumque illorum memoria tibi quidem non ignotam (qui fontes unde hausimus, per te ipse nosti) sed tamen (ut spero) recordatione ac renovatione cognitionis et scientiae non iniucundam studiose et explicare recensebit": Ramus, *De moribus veterum Gallorum*, sig. a ij vo.

³⁷ Peter Mack, "Ramus Reading: the Commentaries on Cicero's *Consular Orations* and Vergil's *Eclogues* and *Georgics*," *Journal of the Warburg and Courtauld Institutes* 61 (1998): 111–41.

There are, none the less, grounds to resist the thesis of Bodin's debt to Ramus on the question of method. Method as analysis without synthesis, that is without *inventio*, minimizes the presence of "a methodology or general theory of historical criticism," as defended by Julian Franklin. Bodin was certainly more keenly aware than Ramus of the need for a critical approach to the historical sources (even if, in common with Ramus and most of his contemporaries, he takes for granted the authenticity of some dubious works, most notably in the case of the pseudo-Berosus).³⁸ But his answer to that requirement is his own theory of judgement which involved not syllogisms, but the theory of climate coupled mainly with the reference to the Greek historians of Rome.³⁹ In short, Bodin's intellectual approach is very close to Ramus's and may well have been inspired by him, but he does not hesitate to use his own instruments as well.

2. Bodin's Method and His Other Works

The *Methodus* is Bodin's only book which bears the name of 'method'. If we assume that this term is used in its technical Ramist meaning, we have to admit that the *Methodus* has a particular status by comparison with Bodin's other works which do not bear that name. In fact, both *distributio* and *methodus* are analyses, both proceeding from general to particular. But, as previously noted, *distributio* appertains to 'invention'; it is analytic with a synthetic aspect, since it realizes the integrity and harmony of its object as a whole. On the other hand, *methodus* appertains to *dispositio* or judgement, and focuses on the orientation of the division, from general to particular. Now the *Methodus* is the only work in which Bodin considers no particular field of knowledge, but knowledge in its entirety: that is, the three histories—human, natural and divine—in their mutual ordering, and the way in which such an ordered approach yields instruments of judgement for the reader.

In the editions of the *Dialectica* published from 1546 onwards (the period in which Bodin studied in Paris, as a Carmelite, based right in front of the Collège de Presles across the street), Ramus explains what he understands by ordering from general to particular in the case of *methodus*.

³⁸ For strictures on Bodin's acceptance of the Chaldean Berosus's alleged writings as authentic, see Anthony Grafton, *Forgers and Critics: Creativity and Duplicity in Western Scholarship* (Princeton: Princeton University Press, 1990).

³⁹ Cf. Couzinet, *Histoire et méthode*, 143-87.

The procedure engages with Aristotle's approach to knowledge as outlined in the *Posterior analytics*. It indicates that what we may call scientific method (*methodus doctrinae*), which is division by the causes (as in the corresponding *distributio*), proceeds from what is 'prior' and 'naturally more knowable' towards what is 'prior' or 'more knowable in relation to us'. These propositions were explained by Aristotle as follows:

There are two senses in which things are prior and more knowable. That which is prior in nature is not the same as that which is prior in relation to us, and that which is <naturally> more knowable by us. By "prior" or "more knowable" in relation to us I mean that which is nearer to our perception, and by "prior" or "more knowable" in the absolute sense I mean that which is further from it. The most universal concepts are furthest from our perception, and particulars are nearest to it; and there are opposite to one another. 40

Bodin, like Ramus, believes that, even at the lowest stage of knowledge, it is possible to proceed *from* what is *naturally* better known (*naturae notiora*): that is, *from* the general or "universal" as opposed to the "particular". According to Ramus, in the 1554 *Dialectica*, where he translates and comments on Aristotelian statements within a 'Ramist' frame, what is "prior" and "naturally more knowable" and what is "prior" or "more knowable in relation to us" can coincide in the minds of those who are intellectually in a sound condition. As Aristotle says in the *Topica*:

"Perhaps, also, what is intelligible absolutely is what is intelligible not to everyone but only to those who are intellectually in a sound condition, just as also what is healthy absolutely is what is healthy to those who are physically in a sound condition". So generals and universals are not only intelligible absolutely, but also to us.⁴¹

This signifies that the human spirit is capable of knowledge if it is sane and strengthened by dialectical art which enables it to rise to the highest degree of the exercise of human reason: that is, methodical disposition.

For Bodin, the lowest stage of human knowledge is historical knowledge *simpliciter* with law hidden in it, albeit intelligible to the best interpreters. That is the reason why it can be set out by Ramus's one and only

⁴⁰ Aristotle, *Posterior analytics*, 71^b35-72^a6.

⁴¹ "'Ac fortassis etiam absolute notum non illud est, quod omnibus est notum, sed quod intellectu bene affectis, quemadmodum etiam absolute salubre, bene affectis corpore.' Ergo generalia et universalia non solum natura, sed nobis etiam notiora sunt": *P. Rami institutionum dialecticarum libri tres* (Paris, Louis Grandin, 1554), 195–6, citing Aristotle, *Topics*, 142ª9–12.

method. But Bodin's quest is not for a theory of knowledge as such, and neither does he refer to Ramus in this respect. In the *Methodus*, the universal memory of the reader of histories projected on the surface of the earth corresponds to a cosmographical point of view. It is realised by vivid representation or description, the rhetorical device of *subjectio sub aspectum, hypotyposis* or *exhibitio*. This enables one to see something at a glance, at one and the same time in its unity and in all its components; and it facilitates judgement. In urging this kind of perception Bodin is close to Ramus's one and only method which reduces the two movements of dialectic—synthesis and analysis—to a single analytic movement. Yet his point of reference is to contemporary cosmography which follows the order adopted by Ptolemy in his *Geography*, from general to particular, proceeding from a synoptic vision as source of knowledge.

If we now examine Bodin's other works, the *Universae naturae theatrum* (1596) is perhaps the closest to a methodical presentation, with its well-known insistence on "order".⁴² In the *Theatrum*, as in Bodin's *Methodus*, we also find other favourite Ramist themes. Bodin celebrates deployment of reason as against the dictates of authority.⁴³ He stresses practical usage (*usus*).⁴⁴ He finds a model for the presentation of physics in a visit to a city's monuments, a device already used by Ramus to present mathematics⁴⁵ and to lead his pupils to the contemplation of God's work.⁴⁶ Further, Bodin links the dedicatory epistle of his *Theatrum* to the reflection

⁴² "Cum omnia praeclare ac sapienter supremus universitatis parens, ac moderator Deus fecit, tum vero nihil maius ac melius praestitisse videtur, quam quod permistas, et confusas materiae partes initio discrevit, ac forma figuraque decenti subornatas, suo quamque in ordine, ac propriis sedibus collocavit": Jean Bodin, "Propositio totius operis", in Bodin, *Universae naturae theatrum* (Lyon, Roussin, 1596), 1–7, quotation at 1.

⁴³ "Necesse nobis erit non tam authoritate in dividendo ac definiendo, quam certissimis rationibus niti....": Bodin, *Theatrum*, Book 1, 130.

^{44 &}quot;Nec vero quicquam ordine, aut ad intuendum pulchrius, aut ad animi oblectationem iucundius, aut ad usum commodius esse potest": Bodin, *Theatrum*, 1.

⁴⁵ "Ut si quis hospes et amicus nunc primum Lutetiam venisset, Parisiensisque palatii fama ac celebritate commotus, visendi, cognoscendique loci gratia, comitem te sibi rogaret: deduceres in omnes eum regiones, aditus, vestibula demonstrares.... Ita quoniam me comitem hospites videlicet amicique delegistis, per quem Mathematicarum basilicarum opes divitiasque vobis exponi, declararique velletis; agite, vultis, ordiamur ab initio, et progrediamur ad extremum? sic opinor": Ramus, "Tres orationes a tribus liberalium disciplinarum professioribus, Petro Ramo, Audomaro Talaeo, Bartholomaeo Alexandro; Lutetiae in Gymnasio Mariano habitae, et ab eorum discipulis exceptae, anno salutis 1544 pridie Nonas Novembris," in Petrus Ramus and Omer Talon, *Collectaneae praefationes, epistolae, orationes* (Hildesheim: Olms, 1969), 231–2.

⁴⁶ "... Templum, inquam, non principis aut regis cujuspiam sumptu, sed omnipotentis Dei manu fabricatum ...": Ramus and Talon, *Collectaneae*, 234.

on law that opens his *Methodus*. But he affirms that he no longer aims at "establishing something certain" by collecting the laws whilst comparing the habits and institutions of almost all peoples while ignoring natural or divine law, Ariadne's guiding thread.⁴⁷ For natural history is the only thing, says Bodin, that can oblige even the impious by the force of its demonstrations to re-ascend from nature to God.⁴⁸ As Ann Blair has shown, the *Theatrum* is natural theology written by a non-specialist.⁴⁹ His humanistic education in the arts equipped him for the task, which Bodin defines as his *Theatrum*:

As a matter of fact, the theater of nature is nothing else than a sort of table of the things created by the immortal God, placed under the eyes of everybody, so that we may contemplate and love our author's majesty, power, goodness, wisdom and admirable government in the greatest, medium, and minimal things. 50

Thus the theatre of nature furnishes all the ingredients of a propaedeutic, far more certain than human history and human law, because the production of nature is not a human art, but the divine art itself. Just as history does not even require the art of writing, so too is the contemplation of nature accessible to everybody, as a marvellous vision (*theatrum*, *subjectio sub aspectum*), and a table or a chart to be filled with items of information, like the "pantotheca", the structure of small boxes described at the opening of Bodin's unpublished *Colloquium heptaplomeres*. But its precepts are incontrovertible, thanks to 'the most certain demonstrations of this science (*certissimis huius scientiae demonstrationibus*)'. This, then, is

 $^{^{47}}$ "Quae certe me revocarunt ad instituto de legibus, quarum delectum ex omnibus fere omnium populorum moribus ac institutis inter se comparatis diuturno labore collegeram, ut certum aliquid constitueretur, reputantem omnia populorum edicta, decreta, leges ad hominum arbitrium ac libidinem temere ferri, nisi divinae, id est naturae lege velut in labirinto caeca filo regente vestigia nitantur": Bodin, epistola dedicatoria, in *Theatrum*, sigs. a $_{2}$ –a $_{5}$ vo, quotation at a $_{2}$ vo $_{2}$ –a $_{3}$.

⁴⁸ "Sed quia saepe disputatio suscipienda nobis est cum iis qui nullum verae pietatis gustum habent: naturali scientia cogendi sunt, cuius tanta vis est, ut ab effectis et causarum serie continua perspicuum de mundi conditione, et origine, deque unius Dei aeterni infinita potestate assensionem ab invitis extorquere sola possit": Bodin, *Theatrum*, sig. a 3vo.

⁴⁹ Ann M. Blair, *The Theater of Nature. Jean Bodin and Renaissance Science* (Princeton N.J.: Princeton University Press, 1997).

⁵⁰ "Et quidem Naturae Theatrum aliud nihil est quam rerum ab immortali Deo conditarum quasi tabula quaedam sub uniuscuiusque oculos subjecta, ut ipsius auctoris maiestatem, potentiam, bonitatem, sapientiam, atque etiam in rebus maximis, mediocribus, minimis admirabilem procurationem contemplemur et amemus": Bodin, *Theatrum*, sigs. a 3vo–a 4.

a matter for method. In the "Propositio totius operis" that prefaces the work Bodin specifies it further, by establishing and grounding human research in the right order directly in accordance with the divine art.⁵¹ In point of fact, God's art in nature lies in an analysis which separates out what was confused, and puts everything into its apposite place (*collocavit*). The order of the *Theatrum* reproduces the order that God used when He created nature, but it is accessible to the human mind. Here again, it seems possible to respect the progression of human knowledge, as is typical of methodical ordering, by establishing an equivalence between what is easiest and what is simplest in nature, and by proceeding gradually from simple to complex.⁵²

Ultimately, what is simplest is God. But in fact, as with all the consequent natural causes, the simplest is not after all the easiest to understand. Nevertheless, Bodin begins with him as a super-natural principle. "In fact," says Mystagogus, the master or guide in the *Theatrum*, "things that are out of the limits of nature, because they are infinite and cannot be understood by a human mind, are considered as appertaining to prime philosophy". 53 So the first book of the *Theatrum*, which deals with the principles, appertains rather to metaphysics than to physics.⁵⁴ The other limit of physics is "the individuals, that is the physical bodies themselves." This metaphysical start shows that Bodin favours causal division or what Ramus called "method of nature". Indeed, physics is eminently suited "to inquire into the efficient causes of all things, and very often their final causes too".55 In Bodin's hands physics becomes a natural theology which in itself it would not be. In fact, the physics as such really begins only in Book II, where, as in the Chapter I of the Methodus, Bodin divides the natural being (ens naturale) through the following questions: "what and how many (quid et quotuplex)." They are questions to which he does not

 $^{^{51}}$ "Ac propterea in rebus omnibus ordinem convenientem inquirimus, ut tandem adipiscamur, et adepto fruamur": Bodin, *Theatrum*, 1.

^{52 &}quot;... cum summa omnium consensione a facilioribus auspicandum sit, difficiliora postremo tractanda... Cum enim a facilioribus incipiendum sit: simpliciora vero sint faciliora, minime dubium est...": Bodin, *Theatrum*, 3.

^{53 &}quot;Nam quae sunt extra naturae fines, quia sunt infinita, nec humana mente capiuntur, ad primam Philosophiam pertinere iudicantur": Bodin, *Theatrum*, Book 2, 131.

⁵⁴ Bodin, *Theatrum*, Book 2, 140.

⁵⁵ "Causas autem cum historia naturali cuiusque rei breviter coniunximus...Nihil autem magis proprium Physici est, quam effectrices rerum omnium causas inquirere, saepius etiam fines ipsos": Bodin, "Propositio totius operis", *Theatrum*, 6.

respond by exclusion, as did Plato, but by which he gradually constructs the world.⁵⁶

But in the *Theatrum*, Bodin does not deal as usual with human arts, but with divine art, and it requires some concession to the Aristotelian theory of knowledge: here, synthesis does not concern the construction of an art, but nature itself, as the product of divine art. Thus, the methodical order of presentation (analysis) is maintained, but it is counterbalanced by the synthetical movement of contemplative ascent though the degrees of nature that gives its name to the "theatrum". On the specific method to be used in physics Bodin makes a very important commentary, which Ralph Häfner noticed,⁵⁷ and it is worth recalling here:

Thus, we can understand that all the arts and sciences began with sensitive knowledge that they call synthesis [here, Bodin refers to Aristotle]. But the arts that are already known must be taught rationally and methodically (ratione ac methodo), that is through analysis, proceeding from what is simplest and universal, towards individuals and compound beings. But we who are striving for natural science, must use a sort of circular reason (circulari quadam ratione), in order to proceed from the beginning to the end and back, to meditate not always upon the descent, but also upon the ascent, to consider the treasures of the nature of singular things in the air, in the waters, in and under the earth, and to trust less the ears than the eyes. For we can see some people writing about nature without appropriate accuracy, because they had no experience of singular things.⁵⁸

Here, Bodin clearly distinguishes the discovery of natural science from its teaching method, which is literally methodical, and yet he maintains the necessity of their association in the *Theatrum*. This means combining the two movements of dialectic, synthesis with analysis, and reasoning from causes to effects and from effects to causes. For in that matter, analysis

 $^{^{56}}$ M.-D. Couzinet, "La Variété dans la philosophie de la nature: Cardan, Bodin," in La varietas à la Renaissance, ed. Dominique de Courcelles, 115–16 (Paris: École des Chartes, 2001).

⁵⁷ Ralph Häfner, "Circularis ratio: zur Methode in Jean Bodins Universae naturae theatrum (1596)," Il cannocchiale, rivista di studi filosofici, 1 (1993): 39–58.

^{58 &}quot;Ex quo quidem intelligitur artes omnes ac scientias a sensibili cognitione coepisse, quam synthesim vocant: artes vero perceptas et cognitas ratione ac methodo, id est, *dia tès analuseôs* tradi oportere, scilicet a simplicioribus, et universalibus, ad individua et composita: sed rerum naturalium scientiam conquirentibus, circulari quadam ratione utendum est, ut a carceribus ad metam, et a meta ad carceres redeamus, nec semper *katabasin*, sed etiam *anabasin* meditemur, et naturae thesauros rerum singularium in aere, in aquis, in terris, sub terras scrutemur, nec tam auribus quam oculis assentiamur. Videmus enim quosdam de natura non tam accurate quam decuit scripsisse, quod nullam rerum singularium experientiam haberent": Bodin, *Theatrum*, Book 2, 141.

alone would not be far from authority, as a knowledge acquired by the ears, whereas synthesis from sensitive knowledge is closer to *autopsis*, seeing with one's own eyes. In that sense, *methodus* must be counterbalanced by *inventio*. Beyond the general frame of the *Theatrum*, which remains analytic and methodical, in the details of his argumentation Bodin uses other instruments without excluding scholastic ones, as Ann Blair has argued—perhaps more there than in his previous works.

As a final remark on the *Theatrum*, we notice that here, as in many of his other works, Bodin shows himself preoccupied by analysis as *distributio*, that is, proceeding via continuous division that preserves the integrity of the matter and harmony between its parts. In the rigorous continuity of analysis is discernible the Socratic precept in the *Phaedrus*:

But I do think you will agree to this, that every discourse must be organized, like a living being, with a body of its own, as it were, so as not to be headless of footless, but to have a middle and members, composed in fitting relation to each other and to the whole. 59

Such a precept appertains not only to discourse, or rhetoric; it tallies with the need for all the arts to proceed from general to particular, from the nature of the whole towards the nature of the parts, following Hippocrates's method, and then to revert to the essence. It is echoed by Bodin's prescription, in the *Theatrum*'s "Propositio totius operis," of:

Keeping the order of all things and the indissoluble consistency, sympathy, consent of nature, and how the first corresponds to the extreme, the media to both of them, and all to all. 60

Divine and natural harmony, here reflected in the book as in a mirror, is a complex mathematical progression which corresponds to the combination of mathematical and geometrical progressions involved in the composition of all natural beings. This harmonic proportion differs from the previous ones because it is limited to four elements.⁶¹ This limited scheme is that of natural harmony, corresponding to the contrasting agreement of the four elements introduced by God in nature, and also to His harmonic justice which governors should attempt to introduce in

⁵⁹ Plato, *Phaedrus*, 264 c.

⁶⁰ "Nihil autem curiosius consectati sumus, quam rerum omnium seriem atque indissolubilem naturae cohaerentiam, contagionem et consensum, et quemadmodum responderent prima extremis, media utrisque, omnia omnibus": Bodin, *Theatrum*, 5–6.

⁶¹ Georges Kouskoff, "Justice arithmétique, justice géométrique, justice harmonique," in *Jean Bodin. Colloque d'Angers*, 1: 334, n. 9.

respublicae. No mere ornamental detail, it confirms that all the arts and sciences must reproduce the natural continuity given by God to nature, and that Bodin's work has to be considered as fundamentally juridical in the highest signification of the expression, that is, justice as the final cause of jurisprudence.

The same prescription informs the *Juris universi distributio*⁶² where the division of jurisprudence is performed according to the four causes, while harmony appears openly only in the final cause, which is justice. The first edition of the *Distributio* (1578) was a poster, presenting the divisions of jurisprudence as a diagram similar to those used by the Ramists.⁶³ But two years later it was republished as a treatise composed in continuous prose whilst retaining the same divisions. The editor of the third edition (1581), the jurist and humanist Jan Kocin, converted it into a dialogue between Bodin and his young dedicatee.⁶⁴ These were different types of pedagogical presentations that could be considered as mutually equivalent.

We also find the same precept of harmony in the *Paradoxon quod nec virtus ulla in mediocritate nec summum hominis bonum in virtutis actione consistere possit* (1596). Here it is expressed in the following terms:

In order that, in a congruent order, the beginning correspond to the end, the middle to both and each part to all, let us begin with the definition of the sovereign ${\rm good.}^{65}$

^{62 &}quot;Quare ne cuiquam mirum videatur, si nos in hac Juris Universi distributione dissidemus ab iis qui avulsa laceraque membra Romani juris huc illuc disperserunt. Quod enim Plato dicere solebat, nihil divinius sibi videri quam apte dividere, eo pertinet, ut in recta divisione membrorum omnium perpetua sit, et continua series: tum ut alia ex aliis nexa, et omnia inter se apta colligataque uno possint et eodem aspectu videri, atque integri corporis formam prae se ferre. Ita fit ut respondeant extrema primis, media utrisque omnia omnibus, et facile intelligere quisque possit quid antecedat, quid sequatur. Haec illa est non modo artium tradendarum, sed etiam omnium scientiarum ratio communis": Jean Bodin, *Exposé du droit universel, Juris universi distributio*, trans. Lucien Jerphagnon (Paris: Presses Universitaires de France, 1985), 8.

⁶³ Jean Bodin, *Iuris universi distributio, les trois premières éditions*, introduced by Witold Wolodkiewicz (Napoli: Jovene, 1985).

⁶⁴ Cesare Vasoli, "Note su Jean Bodin e la *Juris universi distributio*," in Vasoli, *Armonia e giustizia: studi sulle idee filosofiche di Jean Bodin*, ed. A. Enzo Baldini (Firenze: Olschki, 2008), 103–29.

^{65 &}quot;Ut igitur ordine congruenti prima extremis, media utrisque, omnia omnibus respondeant, principio ab ipsius boni definitione auspicemur": *J. Bodini paradoxon quod nec virtus ulla in mediocritate nec summum hominis bonum in virtutis actione consistere possit* (Paris: Denys Du Val, 1596) 8. On the exemplification of paradox in Bodin's thought, cf. William E. Monter, "Inflation and Witchcraft: the Case of Jean Bodin," (1969), in Monter., *Enforcing Morality in Early Modern Europe. Fifteen Studies in English and French* (Ashgate Variorum, 1987), 371–89.

In the *Paradoxon*, the order beginning with definitions and proceeding by divisions corresponds to a construction of the object in conformity with the rational and mathematical composition of nature. Division is based upon analysis of a definition. Thus, the composition of the *Paradoxon* represents a sort of analysis of the statement in the title: "the sovereign good does not consist of virtuous action." The *Paradoxon* is also a pedagogic dialogue between a father and a son, a sort of handbook akin to an output of Ramus's—for example his *Rudimenta grammaticae latinae*, ⁶⁶ a scholarly dialogue between a Disciple and a Praeceptor very similar to Bodin's. With Ramus, dialogue concerns exclusively the "apodictic" or demonstrable aspect of pedagogy depending on compilation, that is the exposition of an art. The same could be said of Bodin, who uses dialogue to present ethics and physics, whereas the *Colloquium heptaplomeres* is much closer to a real dialogue in the humanist tradition.

Bodin's *Les Six livres de la république* is structured in a similar way, as an analysis of the definition of the *république* (commonwealth).⁶⁷ Analysing the first part of the definition (the *république* in its different components), Bodin tells us that he proceeds from general (Books I to IV) to particular (Book V).⁶⁸ Then, he analyses the second part of the definition (what maintains or preserves the *république*, Book VI, chapters i to iii).⁶⁹ If we now consider the definition in its different parts, Bodin himself indicates its "principal point:" "right governement according to natural laws," and its three principal components ("poincts principaux"): "family, sovereignty and what is common."⁷⁰ He treats of the "right government" in I.i, and in Book II, when he speaks of legitimate governments. Families ("mesnages") occupy I.ii to I.v, while sovereignty extends from I.viii to I.x, to the whole of Book II, where it is considered in its "essential and formal differences,"

⁶⁶ Petrus Ramus, Rudimenta grammaticae latinae (Paris: André Wechel, 1565).

⁶⁷ "Republique est un droit gouvernement de plusieurs mesnages, et de ce qui leur est commun, avec puissance souveraine": Jean Bodin, *Les Six livres de la république*, I.i: (6 vols., Paris: Fayard, 1986), 1: 27.

⁶⁸ "Jusques ici nous avons touché ce qui concernait l'estat universel des Republiques, disons maintenant ce qui peut estre particulier à quelques unes pour la diversité des peuples, à fin d'accommoder la forme de la chose publique à la nature des lieux, et les ordonnances humaines aux loix naturelles": Bodin, *République* V.i: (1986), 1: 7.

⁶⁹ "Jusques ici nous avons discouru et deduit amplement la premiere partie de la definition de la Republique, à sçavoir droit gouvernement de plusieurs mesnages, avec puissance souveraine, et de ce qui depend d'icelle definition: reste maintenant à parler de la seconde partie, à sçavoir de ce qui est commun à la Republique, et qui gist en mesnagerie des finances, du domaine, des rentes et revenus, tailles et imposts, monnoyes, et autres charges pour l'entretenement de la Republique." Bodin, *République*, VI.i: (1986), 6: 7.

⁷⁰ Bodin, *République*, I.i: (1986), 1: 30.

distinct from "countless accidents" or qualities which define good and bad governments.⁷¹ Here, Bodin's critique and reorganization of the definition of political regimes, with the distinction between 'état (constitution)' and 'gouvernement,' draws on the same requirements and the same rules as Ramus's criticism of Quintilian's definition of the tropes: rationalization, exactness and easiness.⁷² Bodin does not hesitate to use Aristotelian concepts (here, 'essence' and 'accident'), but his chief requirement remains to attain a limited division, and to reduce to measure what otherwise seems countless, following, as Ramus did, Plato's dialectic of intelligibles in the *Philebus*.⁷³ This is fundamental, for it indicates that Bodin's main concern is not the dialectical movement from sensible to intelligible, but dialectic within the intelligible, in line with Platonic and Neoplatonic tradition.

In Book III, Bodin continues to analyse components of sovereignty: senate, officers, and especially magistrates who have authority. He concludes his analysis of "all the parts of the *république*" by a comparison between the three admissible forms of commonwealth, in order to decide which is the best (VI.iv).⁷⁴ His concluding chapter offers a fresh review of the central theme of Plato's *Republic*: a theory of justice combined with the theory of sovereignty.

Yet, these divisions apparently fail to integrate several chapters of the *République* into an orderly whole. We must note, first of all, the fundamental fourth book, where Bodin offers a theory of temporal changes in commonwealths, dividing them into six perfect changes, concerning sovereignty itself (change of "état"), and six imperfect changes, concerning only government (change of quality).⁷⁵ He uses Aristotelian terminology—here,

⁷¹ Bodin, *République*, II.i: (1986), 2: 8.

⁷² Petrus Ramus, *Rhetoricae distinctiones in Quintilianum* (Paris, 1549), trans. Carole Newland as *Argument in Rhetoric against Quintilian* (Dekalb, II.: Northern Illinois University Press, 1986).

⁷³ Plato, Philebus, 16 c.

^{74 &}quot;Nous avons jusques ici discouru assez amplement, à mon advis, de toutes les parties de la Republique: reste maintenant pour la conclusion, sçavoir les commoditez et incommoditez de chacune Republique, et puis faire chois de la meilleure: ce qui estoit necessaire de reserver à la fin apres avoir discouru de tous les poincts de la Republique en general et particulier": Bodin, *République* VI.iv: (1986), 6: 145.

⁷⁵ Bodin, *République* IV.i: (1986), 4: 12. Cf *République*, II.i: (1986), 2: 7: "Il faut voir en toute Republique ceux qui tiennent la souveraineté, pour juger quel en est l'estat: comme si la souveraineté gist en un seul Prince, nous l'appelons Monarchie: si tout le peuple y a part, nous disons que l'estat est populaire: s'il y n'y a que la moindre partie du peuple, nous jugerons que l'estat est Aristocratique: et userons de ces mots pour eviter la confusion et obscurité qui provient de la varieté des gouverneurs bons ou mauvais: qui ont donné occasion à plusieurs de mettre plus de trois sortes de Republiques: mais si ceste opinion

the distinction between perfect and imperfect movements.⁷⁶ But in fact, as signalled through the important place occupied by the argument in chapter vi of the *Methodus* entitled "*de statu rerumpublicarum*," the question of *metabolai politeiôn* is a part of the "general" definition of the commonwealth, together with the movement, or "change", from the family to civil society discussed in *République* I.vi. Bodin treats the "particular" question of remedies to revolutions in V.ii.

And yet, in integrating the problem of revolutions of républiques in their definition, Bodin does continue to follow the evolution of Ramist dialectic towards the compound of scientific discourse with axiomatic propositions. In an important article in 1981, Cesare Vasoli has argued that Bodin's definition of the commonwealth fulfils the three laws that Ramus expounded in the *Dialectica* (1566, but already present in the 1554 version). Its formulation satisfies the requirements of 'necessity' (it is universally valid: kata pantos), 'homogeneity' (with an essential connection between its several parts: *kath'hauto*), and 'property' (its terms are convertible into each other: *katholou proton*).⁷⁷ These laws were already postulates that Aristotle required for all scientific propositions, that is universality and necessity; but, according to Kotarbinski, Ramus was the first to remind his contemporaries of their importance.⁷⁸ By the same token, Bodin's theory of revolutions of *républiques* depends upon the distinction between *état* and gouvernement that he formulates in Book II, and has therefore to follow that formulation and its subsequent elaboration. If so, then there can be discerned in Bodin a tolerably accurate application of that necessary order which Ramus could find only in mathematics while he tried to introduce it in the exposition of the various arts and sciences.⁷⁹

avoit lieu, et qu'on mesurast au pied des vertus et des vices l'estat des Republiques, il s'en trouveroit un monde."

⁷⁶ M.-D. Couzinet, "Un Cas de réception du *De generatione et corruptione* dans la pensée politique du XVI^e siècle: le concept d'*alloiôsis* dans le *De Republica* de Jean Bodin," in *Lire Aristote au Moyen Âge et à la Renaissance: réception du traité sur la génération et la corruption*, ed. Joëlle Ducos et Violaine Giacomotto-Charra (Paris: Champion, 2011), 303–20.

⁷⁷ Cesare Vasoli, "Il metodo ne *La République*", in *Armonia e giustizia*, 79–101.

⁷⁸ Tadeusz Kotarbinski, *Leçons sur l'histoire de la logique* (Paris: Presses Universitaires de France, 1964), 101–7.

⁷⁹ "L'ordre des mathématiques n'est point comme d'une histoire, là où vous pouvez entendre et déclarer un passage à la fin, au milieu, au commencement sans rien entendre au précédent: mais en la mathématique l'ordre y est non seulement profitable et utile, ains totalement nécessaire.... Les proportions d'arithmétique, géométrie, astrologie sont bâties de tel ordre, que qui ne connaît la première, ne peut entendre la seconde, qui n'entend l'une et l'autre ne peut entendre la troisième, bref si un écolier a perdu une seule leçon en mathématique, qu'il ne retourne plus à l'école, car il n'entendra rien à ce

Besides this strong philosophical construction, we can detect other logics which serve to reinforce it. There is, first of all, the logic of authority, with the hierarchical authorities of husband over wife, paternal authority, the authority of the master over the slave, feudal authority, the authority of the magistrate, and finally the authority of the sovereign prince. Bodin's analysis of the relation of command and obedience runs through the six books, especially in the chapters concerned with family and sovereignty; and it is notably present to integrating effect in *République* III.iv to vi, on the authority of the magistrates.⁸⁰

A second logic seems to be the hierarchy between the whole and the parts, the three communities that constitute the political body: families, the *république* itself, together with colleges which Bodin analyses in III.vii. Yet each of these communities has a different form of authority ("puissance"), such that logic of composition and logic of authority agree. A similar logic of composition between the whole and the parts is observable in the essential distinction between private and public which defines 'république' properly as res publica. Thus, the several family heads become citizens as soon as they leave their houses where they command, to discuss with the other family heads "what concerns all of them in general." As members of the ré-publique (the public sphere being divided from the private one), the family heads become "free subjects", 81 different in status from slaves and strangers. In the same way, Bodin distinguishes town as a geographical from city as a juridical and république as a political entity (I.vi and vii).

These logics which are more specific to the subject reinforce the general divisions of the *république* considered as an essence, as does a series of questions which Bodin asks, questions which may even occupy entire

qui s'ensuit": La Remonstrance de Pierre de La Ramée faite au conseil privé, en la chambre du Roy, le 18 de janvier 1567, touchant la profession royalle en Mathematique (Paris: André Wechel, 1567), 6–8.

⁸⁰ "Magistrat est l'officier qui a puissance en la République de commander." Bodin, *République* III.iii: (1986), 3: 71.

^{81 &}quot;Or quand le chef de famille vient à sortir de la maison où il commande pour traitter et negocier avec les autres chefs de famille, de ce qui leur touche à tous en general, alors il despouille le tiltre de maistre, de chef, de seigneur, pour estre compagnon, pair et associé avec les autres: laissant sa famille pour entrer en la cité: et les affaires domestiques, pour traitter les publiques: et au lieu du seigneur, il s'appelle citoyen: qui n'est autre chose en propres termes, que le franc subject tenant de la souveraineté d'autruy": Bodin, *République* I.vi: (1986), 1: 111–12.

chapters.⁸² Most of these questions concern definitions,⁸³ but many of them treat juridical and political arguments. For instance, *République* I.v, on the authority of the master over the slave, gives rise to a *disputatio pro et contra*, in order to decide whether a well-ordered commonwealth may suffer slavery.⁸⁴ In II.v Bodin develops a similar discussion on the right to kill the tyrant. These questions and different logics emerge from the general definition of the essence of *république*, and lead naturally to the conclusion that the best form of commonwealth is monarchy governed by harmonic justice. Here we recognize the natural harmony which in its full sense informs Bodin's works, with harmonic justice characterizing government, and divine unity, sovereignty.

Let us turn to *De la Démonomanie des sorciers*. Bodin presents it as the consequence of two distinct opportunities (*occasions*). The first was a judgement pronounced against a witch, in April 1578, for which he was called as a judge.⁸⁵ The second was the publication of Johann Weyer's *De lamiis* which the printer sent to him as he was ending his own work.⁸⁶ Accordingly, Bodin presents his book with a dual aim: to denounce witch-craft as a crime, and to answer those who write books in order to save the witches.⁸⁷ Owing to these "occasional" origins and clearly polemical aims, the *Démonomanie* has a particular status among Bodin's works, comparable with the dedicatory epistle of the *Paradoxon* of 1596, which denounces civil wars as God's punishment. Nevertheless, the *Démonomanie* exhibits the same theoretical and logical features as Bodin's other books, and is in complete agreement with his natural philosophy.

⁸² For example, Bodin, République, IV.ii, iv, v-vii; V.iii, v.

 $^{^{83}}$ For example, see the title of *République*, I.ix: "Du prince tributaire ou feudataire, et s'il est souverain . . . "

^{84 &}quot;De la puissance seigneuriale, et s'il faut souffrir les esclaves en la Republique bien ordonnée," title of *République* I.v; also I.iii: "De la puissance maritale, et s'il est expedient renouveler la loy de repudiation"; and VI.i: "De la censure, et s'il est expedient de lever le nombre des sujets, et les contraindre de bailler par declaration les biens qu'ils ont".

⁸⁵ Bodin, "Préface de l'auteur", in Jean Bodin, *De la Démonomanie des sorciers, suivie de La Réfutation des opinions de Jean Wier* (Paris, Du Puys, 1587, reprinted Paris: Gutenberg-Reprints, 1979), 3.

⁸⁶ Bodin, *Réfutation des opinions de Jean Wier*, 238.

^{87 &}quot;Et parce qu'il y en avait qui trouvaient le cas étrange et quasi incroyable, je me suis avisé de faire ce traité que j'ai intitulé, Démonomanie des Sorciers, pour la rage qu'ils ont de courir après les diables pour servir d'avertissement à tous ceus qui le verront, afin de bien faire connaître, au doigt et à l'œil, qu'il n'y a crimes qui soient à beaucoup près si exécrables que cestuy-là, ou qui méritent peines plus grièves. Et en partie aussi pour répondre à ceux qui par livres imprimés s'efforcent de sauver les Sorciers par tous moyens: en sorte qu'il semble que Satan les ait inspirés et attirés à sa cordelle...": Bodin, "Préface de l'auteur", in *Démonomanie* (1587, repr. 1979), 5; orthography modernized.

In its general structure the Démonomanie relies upon definitions. In the first book, Bodin defines the witch, and considers the definition's different components,88 while in the second book he defines magic.89 When he comes to consider the witches' practices, it appears that distinctions derived from the definitions serve to determine the nature of the sentence. 90 Here, dialectical divisions are at the service of penal right. for Bodin considers witchcraft as lese-majesty against the sovereign and above all, against God. The third and fourth books treat of the powers of bad spirits and the remedies and means to be used against those who join with them, agents of a different society which threaten human institutions and offend God through associating themselves with His enemy. Book IV, where Bodin details the proofs required to confirm the accuracy of an allegation of witchcraft and the specific problems with which the judges were confronted by the witches, is particularly documented. Nevertheless, for the Démonomanie as for the République, Bodin tries to add new testimonies and evidences: the four books are prefaced by an account of a process, a determinatio of the theological faculty of Paris, and, in the 1587 edition, an account of a trial that was sent to Bodin by a colleague. The refutation of Johann Weyer appended to the work resembles a dialectical exercise.

But the *Demonomanie* is not only a judge's book; it has critical significance for practical philosophy. Bodin himself seems to have communicated with a personal daemon and we know that he practised political prophecy. Here, in the Neoplatonic tradition, was a sign of the highest form of association with spirits, and of the highest achievement of the human mind, yearning for union with God. In contrast, witches' associations with devils represented a wrongful association between human beings and the spirit world, and thereby exposed the good associations to risks of dangerous misunderstanding. Thus Bodin's divisions between

⁸⁸ "Sorcier est celuy qui par moyens Diaboliques sciemment s'efforce de parvenir à quelque chose.... Deduisons donc par le menu nostre definition." Bodin, *Démonomanie* (1587, repr. 1979), 1.

^{89 &}quot;Le mot de Magie est Persique, et signifie Science des choses divines, et naturelles: et Mage, ou Magicien, n'était rien autre chose, que Philosophe: Mais tout ainsi que la Philosophie a été adultérée par les Sophistes, et la Sagesse qui est un don de Dieu par l'idolâtrie des Païens: aussi la Magie a été tournée en Sorcellerie Diabolique...": Bodin, Démonomanie (1587, repr. 1979), II.i: 35.

⁹⁰ "La différence est bien notable des Sorciers, ce qui est besoin d'être bien entendu pour la diversité des peines": Bodin, *Démonomanie* (1587, repr. 1979), II.ii: 64.

good and bad spirits, licit and illicit divination, good and bad magic, have important philosophical and theological implications.

As a receiver of the contemporary discussions about methodus, Bodin, we may conclude, focuses his attention on practical philosophy, upon usus, within a strong theoretical structure. To this general trend in common with Ramus, he adds all the instruments and practices at his disposal from the different disciplines. At several junctures he and Ramus go hand in hand. Ramus was criticized as "usuarius, the usufructuary, the man living off the increment of an intellectual capital belonging to others,"91 as Walter Ong explains. The objects of criticisms of that kind are authors whose originality is challenged on the grounds that they use existing means and concentrate on their organization, as Bodin says he did. 92 Like Ramus, Bodin considers judgement or *dispositio* to be the most important component of his work. He finds in Plato reasons to believe in the rationality of nature, and in dialectics an instrument of universal intelligibility, that he tries to bring to bear upon new subjects: history and law. He does so not in the mechanical and scholastic manner of Ramus's follower Freigius, but using 'natural' instruments, such as divine and natural harmony and "the peoples' nature," that give a strong theorical trend to his work.

⁹¹ Walter J. Ong, *Ramus. Method and the Decay of Dialogue* (Cambridge MA: Harvard University Press, 1958), 7.

^{92 &}quot;Sed cum animadverterem triplex omnino scribendi genus esse, unum in rebus inveniendis et materia suppeditanda, alterum in rebus ordine tradendis et forma perpoliendis, postremum in maculis veterum librorum eluendis, mirum mihi visum est tam multos esse ac semper fuisse rerum inventores, qui vero res inventas arte ac ratione traderent admodum paucos. Ut enim alias artes omittam, innumerabiles prope scriptores habemus, qui ius civile Romanorum suis commentariis tantopere auxerunt, ut nulla re magis, nullo graviore morbo, quam sua magnitudine laborare videatur. Nam quo quisque magis in scribendo ineptus, eo maiorem librorum multitudinem effudit; qui tamen arte concluserit ea quæ dispersa dissectaque leguntur, video fuisse neminem...": Bodin, Methodus, 107a—b.

CHAPTER THREE

THE EXPERIENTIAL WORLD OF JEAN BODIN

Mark Greengrass

Is there any influential thinker, who would not rather protect his thoughts from what his followers—or his enemies, for that matter, make of them? Every idea is coarsened, flattened and distorted on its way through the world. The world which takes possession of it, does so according to its own lights and needs. Once a vision becomes an institution, clouds of dust gather about it, blurring its contours and contents. The history of ideas is the history of misunderstandings.¹

Siegfried Kracauer's proposition begins this paper because it acts as a challenging propaedeutic to the long tradition of 'influence' in historical and literary studies to which Peter Burke has drawn our attention. It does so, however, not by carrying us forward to the 'reception' of a text, but backwards to the historical epigenesis of ideas which gave it birth. Kracauer was no doubt drawing on Hans Blumenberg's critique of 'influence'.² Blumenberg's notion of "epochal thresholds" (*Epochenschwelle*) opened the door to historical contingency. Ideas are as they are because they are in permanent gestation.³ Blumenberg adapted Edmond Husserl's phenomenology to explain how, the more we seek to leave our known environment (*Lebenswelt*), the more we are forced to acknowledge our own temporality.⁴ For Kracauer, that "known environment", a close cousin of the world of the everyday (it "borders on the daily world"), is an intermediate domain in which we give and receive our ideas, frame them, and have them modified by what we happen to read and experience.⁵

¹ Siegfried Kracauer, *The Last Things before the Last*, ed. P. O. Kristeller (New York: Oxford University Press, 1969), 7. Cf *Geschichte—vor den letzten Dingen* (Frankfurt am Main: Suhrkamp, 1971), 18.

² O Agard, "La légitimité des « avant-dernières choses ». La discussion Blumenberg/ Kracauer sur la Modernité" in *Centre Sèvres/Archives de Philosophie* 67 (2004): 227–47. On 'influence' cf above, p. 23.

³ Hans Blumenberg, "Epochenschwelle und Rezeption", *Philosophische Rundschau* 6 (1958): 94–120.

⁴ It would become the preoccupation of his *Lebenszeit und Weltzeit* (Frankfurt am Main: Suhrkamp, 1986).

⁵ Kracauer, Last Things, 130.

The objective here is to examine Bodin's Lebenswelt, or that part of it which he chose to reveal to us in his published works. I shall examine a sub-set of the referential substructure to Bodin's published works, assembled by Kenneth McRae, Alastair D. McCann and Catherine Andreadis, limiting myself to three works from the Bodinian corpus: *La Response* . . . *au* paradoxe de monsieur de Malestroict (1568), Les Six livres de la république (1576), and De la démonomanie (1580).6 The definition of an 'experiential instance' must be fluid. I will leave to one side what Bodin read, or claimed to have read, in published works, although the 'experiential' will be stretched to include what he consulted in archival repositories and manuscript collections. However it is often unclear whether what Bodin refers to is what he has read, or what he has directly experienced. His 'methods of bookishness' were such that he made no clear distinction between what he had read and what he had seen.7 'Experience' was, he tells us several times, the mistress of things ("magistra rerum")—a tag from Pliny's Natural History.8 In reality, Bodin often accepted the opinions of others as equivalent to, or even a substitute for, his own personal observation.9 The question why a goat stops short before a sea-holly (eryngium) might, at first sight, have come from his own inquisitive observation. In reality, it was plucked from various sources, including Pliny.¹⁰ He sometimes accorded mediated experience, as understood by experts, a higher value than direct experience, although on many matters he accounted himself, of course, an expert and, as Donald Kelley put it, Bodin "rarely adopted other men's views without transmuting them to suit his own goals".11 When he chooses to defer to other authorities, it is not clear

⁶ Kenneth D. McRae, Alastair D. McCann and Catherine Andreadis, *Bodin Sources Index* [now online at: www2.hull.ac.uk/administration/the-bodin-project.aspx]. The approximate size of the overall referential instances annotated in the database for each work here is as follows: *Malestroit* [105 references, prefixed here as 'MAL']; *Methodus* [2250 references, prefixed METH]; *République* [4,650 references, prefixed 'R'; with Latin edition references prefixed 'RL']; *Démonomanie* [2,700 references, prefixed 'D']. The McRae slipcard references are cited henceforth, alongside relevant editions. Where additional referential instances have been added, these are accorded an additional instance number with the prefix 'A'. The research in this paper focuses on about 500 instances in the three works in question, or just under 15% of the referential structure alluded to by Bodin.

[†] Ann Blair, *The Theater of Nature: Jean Bodin and Renaissance Science* (Princeton: Princeton University Press, 1997), cap. 2.

⁸ Pliny [the Elder], *Historia naturalis*, 26.10 ("usu efficacissimo rerum omnium magistro").

⁹ Blair, *Theater*, 96.

¹⁰ Blair, Theater, 72.

¹¹ Donald R. Kelley, "The Development and Context of Bodin's Method", in *Verhandlungen der internationalen Bodin Tagung in München (1–3. April 1970)*, ed. Horst Denzer (Munich: C. H. Beck, 1973), 123–50, at 125.

why that is so. Donald Kelley once posed as follows the "fundamental" question about Bodin's sources: the issue they pose is "not what his sources were, but what he thought (or assumed) their function was in his system". ¹² We might rephrase Kelley's question thus: "not what [Bodin's experiential world was], but what he thought (or assumed) [its] function was in his system". 'Experientia' is therefore a very broad category, referring to what he has read, what he has been told, and what he has seen with his own eyes. ¹³

The differentiation sprang from his keen awareness that the human senses were capable of error. "The eves are false witnesses (les yeux sont faux tesmoins)" he asserts at the beginning of the Démonomanie, with a nod to Heraclitus.¹⁴ The old and infirm see differently from the young and healthy. What we hear may, as Virginia Krause also notes in her chapter, be more reliable for Bodin than what we see. 15 So, he concludes, we must chart the course of 'sens commun' between reason and sense experience. His point of reference here is Theophrastus' interpretation of Aristotle's common sense (koinê aesthêsis) using a mixture of our reason and our senses to arrive at a notion of the 'common sensibles' (size, shape, distance, etc) and thereby avoid the deceits of the devil.¹⁶ This was his opening gambit in his critique of Johann Weyer's De Praestigiis Daemo*num* (1563), denting that physician's confidence in the expert eve to arrive at a diagnosis.¹⁷ When we rely on our senses, they should be combined; "au doibt et à l'oeil" is a recurring phrase. Their evidence should accord with reason, a harmonisation by which "this great God of nature has bound together all things by means which match at the extremities and

¹² Kelley, "Development and Context", 147, note 54.

¹³ Blair, *Theater*, especially 96–8.

¹⁴ Jean Bodin, De la démonomanie des sorciers (Paris: Iacques du Puys, 1580), Preface, sig. vo (Heraclitus: "Eyes and ears are poor witnesses to those who have uncultivated souls").

¹⁵ "Car l'ouye n'est pas moins ains beaucoup plus certaine que la veuë, & d'autant plus certaine que l'ouyë peut estre moins abuzee que la veuë, qui s'abuse souvent": *Démonomanie*, fo. 174A. This is perhaps a reflection of Bodin's professional background, where lawyers present a case orally, and magistrate listen, and then pronounce, their verdicts. See Virginia Krause, "Confessional Fictions and Demonology in Renaissance France", *Journal of Medieval and Early Modern Studies*, 35 (2005): 327–48.

¹⁶ Pamela Huby, ed., *Theophrastus of Eresus. Sources for his Life, Writings, Thought & Influence*, vol. 4, *Commentary* (Leiden: Brill, 1999), 80 sqq. For the issue of visual deception and the senses, see Stuart Clark, *Vanities of the Eye. Vision in Early Modern European Culture* (Oxford: Oxford University Press, 2007).

¹⁷ Rebecca May Wilkin, *Women, Imagination and the Search for Truth in Early Modern France* (Aldershot: Ashgate, 2008), cap. 1 ("Common Sense: Johann Weyer and the Psychology of Witchcraft").

through indissoluble means and relationships compose the harmony of the intelligible, celestial and elementary universe". ¹⁸

So these references are complex. Bodin shared his contemporaries' facility for taking on board material from intermediate sources.¹⁹ The acknowledged way forward is the closely edited text, one that takes note of variant readings in successive editions, undertaking a source criticism as a way of uncovering, as it were, the cultural world from which the work ultimately derives.²⁰ But it is in the nature of such an approach that experiential 'figures' in the text attract the least attention. They are as they are. Yet they raise the same issues that have confronted the student of Bodin's deployment of his written sources. Given, as Diego Quaglioni has documented, that Bodin felt it important to signpost (almost to excess) his reliance on a tradition of juridical literature, to what extent was the appeal beyond his legal sources and to contemporary legal experience significant in enabling him to define in different ways the nature of authority and its deployment, to locate in time and place the "sacred boundaries of the laws of God and nature" which placed sovereignty within the overall coherence of the world itself?²¹ If the *leitmotif* of Bodin's mature works is not a precise theoretical point of view so much as a "redundance of erudition more noteworthy for variety, multiplicity, wealth of supporting evidence, capriciousness and cleverness than for accuracy and critical rigour", what part does experiential evidence have to play in that "variety"?²² How does it contribute to the "citations, figures and observation of all kinds and emanating from all sorts of sources" that mark out

¹⁸ Bodin, *Démonomanie* (1580), fo 7A: "ce grand Dieu de nature a lié toutes choses par moyens, qui s'accordent aux extremitez, & compose l'harmonie du monde intelligible, celeste, & elementaire par moyens & liaisons indissolubles".

¹⁹ This is brilliantly established in terms of scholarly method and approach in respect of the *Démonomanie* by Roland Crahay and Marie-Thérèse Isaac, "La bibliothèque de Jean Bodin démonologue: les bases théoriques", *Académie Royale de Belgique. Bulletin de la classe de lettres et de sciences morales et politiques*, 5th Series, 73 (1987): 129–71.

 $^{^{20}}$ That is the massive contribution of the Italian edition of the *République*, by Margherita Isnardi Parente and Diego Quaglioni: *I sei libri dello stato di Jean Bodin* (Turin: Unione Tipografico-Editrice Torinese [UTET], 1964–98), including the "Introduzione" (1: 11–107) which raises many of the fundamental problems in attempting source criticism on this complex text.

²¹ Diego Quaglioni, *I limiti della sovranità; il pensiero di Jean Bodin nella cultura politica e giuridica dell'età moderna* (Milan: CEDAM, 1992), caps 1–2.

²² Margherita Isnardi Parenti, "Introduzione" (cited above, note 19), 20: "ridondanza di erudizione più noteveole per varietà, molteplicità, richezza di motive, fantasiosità e ingegnosità che per correttezza e rigore di critica".

Bodin's strategies of rationalisation?²³ How does his concern for questions of "method" (in the "discovery" of *exempla* and their "right ordering", as well as in their propaedeutic deployment) reflect itself in the way in which he determines what experiences to refer to?²⁴ What evidence can we find to disclose Bodin's note-taking and common-placing techniques? If the humanist Bodin with his critical philological methods could be taken in by the fake Berosus proffered by the Dominican Annius of Viterbo as well as by Annius' own disarming deployment of those self-same techniques, what critical faculties did Bodin mobilize when experiential evidence was presented to him?²⁵ The basic premise is to take seriously what John L. Brown delineated as "the genius of Bodin, pre-eminently gifted with the sense of the actual".²⁶

1

I begin with an instance of Bodin's deployment of a personal experience. In the *Démonomanie* of 1580 he recalls how, on 15 December 1558, the Toulouse physician Auger Ferrier had met him on a cloudless blue-sky winter's day to tell him the strange story of what had happened to him two days before. Ferrier had rented a house in the centre of the city earlier that year.²⁷ The rent was next to nothing, despite its being a fine building

²³ Georg Roellenbleck, "La structure du raisonnement dans la *République* de Jean Bodin: autorité—argument—preuve", *Textes et Langages*, 14 (1987): 189–205.

²⁴ The questions are raised in Marie-Dominique Couzinet, "La variété dans la philosophie de la nature: Cardan, Bodin", in *La Varietas à la Renaissance*, ed. Dominique de Courcelles, 105–17 (Paris: École des Chartes, 2001).

²⁵ Anthony Grafton, "Invention of Traditions and Traditions of Invention in Renaissance Europe: The Strange Case of Annius of Viterbo", in *The Transmission of Culture in Early Modern Europe*, ed. Anthony Grafton and Ann Blair, 8–38 (Pennsylvania: Pennsylvania University Press, 2002); cf Grafton, *Forgers and Critics: Creativity and Duplicity in Western Scholarship* (Princeton NJ: Princeton University Press, 1990), 122–5.

²⁶ John L. Brown, *The Methodus ad facilem historiarum cognitionem of Jean Bodin* (Washington: Catholic University of America Press, 1939), xv. Cf "his [Bodin's] passionate concern to discover the real world" (Kenneth D. McRae, "Bodin and the Development of Empirical Political Science" in *Verhandlungen der internationalen Bodin Tagung in München*, ed. Horst Denzer (Munich: C. H. Beck, 1973), 337). Cf also his desire to "construire une science en s'appuyant sur des principes conformes à l'expérience": Claude-Gilbert Dubois, *La conception de l'histoire en France au XVIe siècle (1560–1610)* (Paris: Nizet, 1977), 96, cited Philippe Desan, "Jean Bodin et l'idée de méthode au XVIe siècle", in *Jean Bodin. Actes du Colloque Interdisciplinaire d'Angers*, 24–27 mai 1984, 2 vols. (Angers: Presses de l'Université d'Angers, 1985), 1: 124–5.

²⁷ Presumably the property the façade of which apparently still survives at 39, rue St Rome, one of several mentioned in his will of 17 December 1581: see J. Barbot, *Les*

and in a good location, because it was reputed to be haunted. For Ferrier, a physician who already had a reputation for judicial astrology and an interest in divination, that perhaps added to its attraction.²⁸ Ferrier was already an individual of some note in the city, acting as medical counsellor to its *bureau de santé*.²⁹ He took the advice of a young Portuguese student, who had a talent for unguology (or 'unguomancie'), the art of reading finger-nails. The student divined (on the finger-nails of a young girl) a richly adorned lady holding a lighted torch and standing close by a pillar. He told Ferrier to dig up the cellar of the house near the pillar. There he would find buried treasure. As Ferrier did so, however,³⁰

there arose a whirlwind which blew out the light, and escaped through a cellar vent, smashing two feet of pediment on the neighbouring house, part of which fell on an awning and the other part into the cellar through the vent, as well as onto a lady who was carrying a water pitcher, which was broken. Since when, there was no sound of the spirit whatsoever.

Bodin saw the evidence for himself—the broken awning and the smashed tiles. He heard the account of the circumstances from Ferrier himself and recounts the story in Book III of the *Démonomanie* as part of the proofs that he adduces for the existence of a subterranean world of spirits. Those proofs take him to Melanchthon's account of ten people killed in Magdeburg when a tower collapsed on them as they looked for buried treasure. They include the spirits, reported by the German mineralogist Georg Bauer (Agricola), which appeared to miners and plagued them. He includes another story that he had heard from an unnamed Lyonnais cleric who had become chaplain at Notre-Dame cathedral in Paris and had used magical forces to discover buried treasure at Arcueil, south of the capital. At the last moment the treasure was mysteriously taken from his hands by a tornado whilst a coping stone from a wall fell on his leg,

Chroniques de la faculté de médecine, 2 vols. (Toulouse: Imprimerie Adolphe Trinchant, 1905), 1: 84.

²⁸ Auger Ferrier, *Liber de diebus decretoriis secondum pythagoricam doctrinam et astronomicam observationem* (Lyon: J. Tornasius, 1549); translated as *Des Jugemens astronomiques sur les nativitez* (Lyon: J. de Tournes, 1550).

²⁹ Ferrier, Remèdes préservatifs et curatifs de peste nouvellement composez...(Lyon: J. de Tournes, 1548).

^{30 &}quot;[I]l se leua un tourbillon de vent qui souffla la lumiere, & sortit par un souspiral de la caue, & rompit deux toizes de creneaux qui estoyent en la maison voysine, dont tomba une partie sur l'osteuant, & l'autre partie en la caue par le souspirail; & sur vne femme qui portoit un cruche d'eaue, qui fut rompue. Depuis l'esprit ne fut ouy en sorte quelconque": Démonomanie (1580), fo. 135A–B; (1598), 250 [D1336].

leaving him lame. We are here face to face with Bodin's assemblage of testimonies. We note how carefully he places them in an implied order, from first-hand witness through reliable second-hand testimony to supporting third-hand experience. One testimony, however direct and impeccable, would never be as strong for him as a collection, drawn from the various supporting levels of the human, physical and metaphysical worlds.

Back in 1558, Ferrier and Bodin judged things with their own eyes. For the physician Ferrier that was something he was used to doing every day.³¹ His judicial astrology was based on the observation of heavenly bodies which supported, at the micro- and macrocosmic levels, the claims of the science that he believed it was. In the preceding year, he had published in Toulouse a medical treatise which began by treating the question of medical diagnostics.³² In his preface to Cardinal Jean Bertrandi, Ferrier emphasized how medical knowledge had its share in the achievements of the sciences. That was because the office of physician (Bk 1, Ch.1) was based on the diagnostics of Galen, which consisted in the right application of 'experiencia' and 'ratio' (Bk 1, Ch.2). Medical diagnostics was not an exact science, but an understanding of medical 'indications' was fundamental. Ferrier's understanding of medical science was conventional; his views would have accorded with those of Johann Weyer.³³ We would expect him to apply the same principles to the observations of the preternatural event in his cellar, with the obvious caveat that he had no equivalent to a Galenic understanding of the preternatural world with which to guide him. But he had the evidence of his own eyes.

Bodin remembered the incident clearly: name, place, weather, date. Why? We can hazard a guess by reconstructing its context. Unguology had featured in the final chapters of Girolamo Cardano's *De Subtilitate*, as had the power of spirits under the earth ('*Telchinnes*') to wreak physical damage. The Milanese physician, an advocate of physiognomy, took its principles several stages further, into divination through teeth and hands.³⁴ The work was translated into French by Richard Leblanc, *maître d'hôtel* to Marguerite de Navarre and (after her death) François de Lorraine, duke of

³¹ Pierre C. Lile, "Auger Ferrier et le milieu médical toulousain", in *L'humanisme à Toulouse (1480–1596)*, ed. Nathalie Dauvois (Paris: Honoré Champion, 2006), 289–97.

³² Augerii Ferrerii Tolosatii in Medendi methodum (Toulouse: Petrus du Puy, 1557).

³³ Ian Maclean, *Logic, Signs and Nature. The Case of Learned Medicine* (Cambridge: Cambridge University Press, 2007).

³⁴ Hieronymi Cardani mediolanensis medici, De subtilitate libri XXI (Paris: ex officina Michaelis Fezendat: Roberti Granion, 1550); cited from Les liures de Hierosme Cardanvs (Rouen: Chez La Vefue dv Bosc, 1632), fos 451 sqq.

Guise. He published it in 1556 with an epistle dedicated to the memory of his first mistress. It became the subject of critical scrutiny by Jules-César Scaliger, the physician in Agen who published a detailed critique of it the following year. Ferrier was a close friend of Scaliger. Jacques-Auguste de Thou reported (perhaps hearing it from Jules-César's son, Joseph Scaliger himself) that "the latter did not tend to any matter worthy of consideration, whether a complicated but non-urgent illness among his patients or a case of private study, without consulting him". 35 Was the incident in the cellar in 1558 etched in Bodin's mind by these contemporary debates?

Bodin was not a disciple of Cardano, any more than he was of Ferrier. In the *Methodus*, he dismisses the Milanese physician's works for his trifling and erroneous guesswork, his misunderstandings of Aristotle, and his assertions of physical manifestations without proof.³⁶ He associated these criticisms with the elder Scaliger. Perhaps he followed the debates, back in 1556–7. But were there more particular reasons for Bodin's precise recall of this incident and its association with Ferrier? Elsewhere in the *Démonomanie* he is careful to protect his sources, especially when they were still alive. He saves the blushes of a Lyon lawyer who had dabbled in conjuration to recover buried treasure.³⁷ He refers to a conjuring nobleman, a Knight of Malta, but hides his name.³⁸ Not so Ferrier.

At this point we enter into what Bodin might have called the realm of 'probable suspicion'. In the same year as the *Démonomanie* was published, Auger Ferrier went into print with his broadside against Bodin's *République*, in the *Advertissemens*.³⁹ Ferrier's assault was partly sour grapes. He had been planning to write his own treatise on politics, he tells us. Indeed, it had been on the stocks for years. So he had annotated Bodin carefully "in order to resolve certain points between you and me, in which your

³⁵ Cited from *Jacobi Augusti Thuani Historiae sui temporis* by Ingrid A. R. de Smet, "Of Doctors, Dreamers and Soothsayers: the Interlinking Worlds of Julius Caesar Scaliger and Auger Ferrier", *Bibliothèque d'Humanisme et Renaissance* 70 (2008): 376–7.

³⁶ B. Reynolds, *Method for the Easy Comprehension of History* (New York: Columbia University Press, 1945), 133; 136, 232–4; 317 [METH735; METH749; METH168].

³⁷ Démonomanie (1580), fol 136A; (1598), p. 297 [D1343].

³⁸ *Démonomanie*, fol 136 [1587]; p. 267 [1598] [D1252].

³⁹ Auger Ferrier, *Advertissemens a M. Iean Bodin* (Paris: Chez Pierre Cauellat, 1580). The dedicatory epistle to the *Démonomanie* is dated 20 December 1579, so presumably it was published in the first half of 1580. There are no means of being more precise about the date of Ferrier's publication.

Republic and mine could one day be discrepant".⁴⁰ He emphasizes that they seem to have been working along strangely parallel lines:⁴¹

I mention here my Republic because I treat the same subject. [My treatise] would already have been completed and seen the light of day if the civil wars, which relentlessly travail us here and allow us to enjoy no peace, had not hijacked and deflected such a worthwhile undertaking.

Indeed, he had sketched out the argument in a Latin epistle which he had sent to Chancellor Michel de l'Hospital in 1564. That treatise, he says icily, "seems to have fallen into your hands".⁴² Beyond the implied unacknowledged borrowing in Bodin's work, Ferrier detected an attempt to undermine his reputation. Yes, Bodin had referred to him "en toute modestie", but he had also abused a friendship ("usant de ma familiarité & amytié").⁴³ And, by referring to him in the *République* as an "excellent Iatromathematicien", he was damning him as a dabbler in speculative arts.⁴⁴ Ferrier was compelled to defend astro-political numerology in order to prove that, properly undertaken, it was scientifically valid. For good measure, he took exception to Bodin's criticism of Cardano (the sections headed in the 1593 edition as: "Erreurs insupportables des Astrologues" and "Erreur de Cardan").⁴⁵ There are echoes here of the Toulouse debates from the later 1550s. "You are completely wrong to be so critical of Cardan", says Ferrier. "Leave alone this good man Cardan, who did good work in his day".⁴⁶

Ferrier had good reason to protect his reputation at this juncture. He had returned to Toulouse with Catherine de Médicis in 1578 and was promoting his candidacy as Professor-Regent to the Faculty of Medicine there, Ferrier's appointment being confirmed by the Parlement of Toulouse on 24 September 1581.⁴⁷ Bodin's reference to what had transpired in Ferrier's

⁴⁰ "pour me resoudre auec vous de certains points, esquels vostre Republique & la mienne pourroient estre quelques iour en different": Ferrier, *Advertissemens*, 7.

⁴¹ "Je mentionne icy ma Republique pource que ie traite le mesme argument, lequel seroit desia achevé, & mis en lumiere, si les guerres ciuilles qui sans relasche nous trauaillent icy, & ne nous permettent iouir d'aucune paix, ne m'eussent destourné, & diverty de si bonne œuvre": Ferrier, *Advertissemens*, 8.

 $^{^{\}rm 42}$ "semble estre tombee en voz mains". Ferrier's treatise was widely known. Sir Thomas Smith wrote a riposte to it whilst the court was in Toulouse, to which Ferrier replied.

⁴³ Ferrier, Advertissemens., Preface, sig. Aiij vo.

⁴⁴ République, IV.ii: (1578), 545; (1986) 4: 61 [R7964]. Ferrier, Avertissemens, 8.

⁴⁵ République, IV.ii: (1578), 546; (1586) 4: 64 [R7968].

⁴⁶ "Vous avez grand tort de vous courroucer contre Cardan....Laissons donc ce bon homme de Cardan, qui a bien travaillé en son temps". Ferrier, *Avertissemens*, 34–5.

⁴⁷ Ferrier's dedication of the *Advertissemens* to Jean Daffis, *premier président* of the Parlement of Toulouse in 1580, is significant.

cellar on 13 December 1558 begins to assume another dimension. Was he perhaps aware of the imminent onslaught from Ferrier? Was he not, in his confrontational manner, seeking to leave a trace of the debates that had imprinted themselves on his mind at that time, but so as to reflect unfavourably upon Ferrier? Was he not *seeking* to insinuate that Ferrier was a physician who had been prepared to use his knowledge in the pursuit of treasure? "Avarice punished" was the gloss which Simon Goulart placed on the story when he included it in his anthology of providential and portentous events. We must allow the possibility that Bodin's experiential references are instruments of self-fashioning and polemic as well as building-blocks in his arguments.

2

What can we learn from *La Response de Maistre Iean Bodin . . . au paradoxe de monsieur de Malestroit* about Bodin's handling of 'first-hand' experiential data? The issue was one of immediate and practical politics. Malestroit had published his treatise after high-level discussions in 1566 of what was to be done about what seemed to be rampant price-inflation. He dedicated it to Jean Prévost, sieur de Morsan, a senior magistrate with a reputation for "*grande experience des afaires d'estat*". Now Prévost was consulting mercantile interests about how the government could halt runaway prices. Bodin's tasks were practical ones: to contradict Malestroit's assertion that prices, measured in the weight of precious metal involved in transactions, had actually remained stable despite appearing to increase; and to prove that the real increase was the result of fundamental issues of demand and supply relating both to the coinage and to the economy at large. He had to identify goods or commodities the intrinsic nature of which had not changed over time, and which were transacted in a recordable

⁴⁸ Cited by Smet, "Of Doctors, Dreamers and Soothsayers", 359.

⁴⁹ Mark Greengrass, "Money, Majesty and Virtue: The Rhetoric of Monetary Reform in Later Sixteenth-Century France", *French History* 21 (2007): 165–86.

⁵⁰ Jean Bodin, *La Response... au paradoxe de monsieur de Malestroict* (Paris: Martin le Ieune, 1568), preface, sig. a2 vo.

⁵¹ Bodin refers to this immediate context in the preface: "vous sçavez, Monsieur, les plaintes ordinaires qu'on faict de l'encherissement de toutes choses: les assemblees qu'on a faictes par tous les quartiers de ceste ville pour y donner ordre". For a brief biography of Jean Prévost, see Paul Guérin, ed., *Registres des délibérations du Bureau de la Ville de Paris*. 16 vols. (Paris: Imprimerie Nationale (Histoire générale de Paris), 1881–1921), 6 [1568–1572] (1892): 215, note.

form in the money economy. Bodin displays characteristic ingenuity in trying to solve the problem, beginning with the Toulouse cadastres:⁵²

As to wine and grain, it is absolutely certain that they cost three times as much as they did a century ago, something which I can say that I have seen in the Cadastres of Toulouse, where the *cestier* of grain, which is almost half the quantity of our [current *cestier*] was only worth five *sous*, whereas it now most commonly costs 60 *sous*.

From there he goes to the *mercuriale* of the city of Paris, which told the same story of a price-rise much higher than could be accounted for by the declining precious metal content of the coins in circulation:⁵³

... we discover in the registers of the Châtelet that the *muid* of best rent-grain, using the Paris measure [of a *muid*], cost only 120 *livres* in 1524...[in] 1540, the price rose to 144 *livres*...I will not take account of the year 1565, when the *muid* of common grain cost 260 *livres* net in the month of May: I only take into account average years over the last 40 years, [in which] we see that rent-grain which cost 50 gold *écus*....now costs twice as much.

His third, complementary example comes from the archives of the Chambre des Comptes in Paris where the values of domains (baronies, duchies and counties) created in apanage for members of the royal family were recorded.⁵⁴ There, too, there was a rise in prices, and such a rise was also to be found replicated in the money values for common objects (capons, hens, pigs, pigeons...) mentioned in the published *coûtumes*. Bodin leaves the impression that, when he was not investigating strange goings-on in Toulouse, he was at work in the archives.

Perhaps he was. There is ample evidence that he spent a good deal of time there. But the Toulouse cadastres could not have told him what he claimed they did. They are registers of real estate which provide dimensions of street frontages, the depth of the property, and its assessed

⁵² "Quand aux vins & bleds, il est tout certain, qu'ils coustent plus cher au triple qu'il ne faisoyent il y a cent ans, ce que ie puis dire auoir veu au Cadastres de Toulouze, ou le sestier de bled, qui fait à peu pres la moitié du nostre, ne valoit que cinq souz, maintenant il couste soixante souz au pris le plus commun…" (Bodin, *Response*, sig. a3 [MAL4128]).

^{53 &}quot;... nous trouvons aux registres du chastelet, que le muy du meilleur blé de rente mesure de Paris, ne coustoit que six vingtz liures l'an cinq cens vint & quatre... l'an cinq cens trente le pris haussa iusques à cent quarante & quatre liures... je ne parle point de l'an cinq cens soixante & cinq, que le muy de blé commun coustoit au mois de May deux cens soixante liures en pur achapt: mais ie parle des annees communes depuis quarante ans sulement, nous voyons que le blé de rente qui coustoit cinquante escuz soleil... maintenant couste deux fois plus": Response, sig. a3 [MAL4065].

⁵⁴ Response, sig. b2 [MAL4124].

rateable value.⁵⁵ The Paris mercuriales contained price information, but the figures which Bodin cites for the years in question bear no relationship to those which are recorded in the registers. ⁵⁶ Yet the rhetorical value of Bodin's text remains weighty. His claim was to be in touch with the real world in a way that Malestroit was not. Bodin had been at the fish counters at the market in Toulouse.⁵⁷ He had accompanied Dominique Bertin, the Toulouse sculptor and architect, on his expeditions into the Pyrenees in guest of fine marble, and could attest to the mineral wealth potential that was to be found there.⁵⁸ His contacts with merchants gave him an appreciation of the flows of traded goods between France and the Spanish and Italian peninsulas.⁵⁹ It was from a merchant in Antwerp that he knew the scale of the exports of French cloth into the Dutch market.⁶⁰ His Angevin contacts perhaps made him aware that Dutch and English ships came to the coast of Saintonge and Aunis in ballast, purchasing in silver the salt, wine and grain that were the staple French trade from that region.⁶¹ He reports with approval on the banking practices at Genoa, where the state required merchants to deposit money at 5% but to lend at 8.3% or 6.6%. 62 He constructs a coherent picture of economic demand that explained inflation whilst implying that Malestroit was ill-informed

⁵⁵ Presumably he meant the *mercuriale* of Toulouse, known as the 'fourleau', and which registered grain-prices from January 1486; see Georges et Geneviève Frêche, *Les prix des grains, des vins et des légumes à Toulouse (1486–1868)* (Paris: P.U.F., 1967), 1.

⁵⁶ M. Baulant, and J. Meuvret, *Prix des céréales extraits de la Mercuriale de Paris,* 1520–1698. 2 vols. (Paris: S.E.V.P.E.N., 1960–62), vol. 1. The *mercuriale* registered amounts in *sétiers de Paris,* and not *muids*. A Paris *muid* was worth 16 *setiers*. In 1524, (Baulant and Meuvret 1: 32) prices for the best grain ("blé de rente") varied between 2,75 and 4.75 *livres per setier,* which is never more than 80 *livres per muid*. In 1530, the maximum prices recorded were between 3 and 3.92 *livres*—i.e. 62.72 *livres per muid* (1: 35). In 1565, the best grain prices varied between 4.5 *livres* and 10.67 *livres*—or 170.2 *livres per muid* (1: 51).

⁵⁷ Bodin, Response, sig. i3.

⁵⁸ Response, sig. d3 [M409]. Dominique Bertin refers to these expeditions in the preface to the Épitomé ou extrait abrégé des dix livres d'Architecture de Marc Vitruve (Toulouse, 1559). Frédérique Lemerle, "Architecture antique et humanisme: l'Histoire Tolosane (1556) et l'Epitomé de Vitruve (1559)", in L'humanisme à Toulouse (1480–1596), ed. Nathalie Dauvois (Paris: Honoré Champion, 2006): 423–37.

⁵⁹ Bodin, Response, sig. d2.

⁶⁰ Bodin, *République* VI.ii: (1986), 6: 66; (1578), 877 [R8985]. Here, incidentally, is one example of several where Bodin silently drops out the detail of the sources of his information from the Latin edition—as though it was not of relevance to the international readership: "a mercatoribus didicimus".

⁶¹ République VI.ii: (1986), 6: 64.

⁶² Bodin, Response, sig. d.

and had not done his homework in his own archives.⁶³ Much of the experiential material is unreferenced, introduced with Bodin's signature phrases: " $Vray\ est"$ /"Or $est\ il\ certain\ que"$ /"il $est\ certain\ que"$ /"nous $auons\ vu"$. There is, Bodin implies, a common knowledge, shared and available for the asking. Archival evidence provided a rhetorical platform of experience which Bodin could deploy, but it could not be truly sufficient without eye-witness material, 'experiential' in the true sense of the term.

3

The experiential references in the *République* are very numerous. In this dense, reflective work, Bodin approached issues in a way that opened them up to arguments from experience. We should not underestimate the difficulty of acquiring 'hands-on' experience of the political, not least in a comparative international context.⁶⁴ He was concerned with the functioning reality of power structures in contemporary states. He was fascinated by changes in regime. He was particularly interested in the aristocratic states of Genoa, Geneva, and the Swiss cantons, perhaps because they offered problematic test-cases for identifying where sovereignty was located. His recourse to contemporary example was particularly evident in his analysis of the forces for stability and changes in polities (Bk IV especially fortifications), the relationship between people and political entities (Bk V), his discussion of international treaties (Bk V) and state finances (Bk VI). Overall, Bodin's integration of his theory of sovereignty with French and other experiences of representative institutions and with other processes of the increasingly complex sixteenth-century state is a systematic confrontation of theory with the real world. To have achieved that reconciliation to the degree that he did is possibly Bodin's supreme strength as a political theorist.

In later editions of the *République*, the largest number of changes from that of 1576 concerned the introduction of material reflecting his experience as deputy for the third estate from the *bailliage* of Vermandois at the estates general of Blois. We see through a double experiential prism:

^{63 &}quot;Que monsieur de Malestroit fueil[le]te les registres de la chambre, il sera d'acord auec moy..."... "ce que monsieur de Malestroit m'accordera s'il veut prendre la peine de fueilletter tant soit peu noz registres": *Response*, sig. c2; sig.b2.

⁶⁴ See André Stegmann, "Bodin et l'histoire contemporaine (1520–1570)" in *Jean Bodin: actes du colloque interdisciplinaire d'Angers*, 495–508.

that of Bodin the deputy, drawing on the wisdom of what he had just published; and that of Bodin the writer, reflecting upon the experiences of Bodin the deputy. So, in the chapter on the obedience which the magistrate owes to the laws and to the sovereign prince (III.iv), he chooses to tell us that, as a deputy he had persuaded the assembly to adopt his recommendation, based on contemporary practice in the Holy Roman Empire and elsewhere, that royal letters-patent should be date-stamped, even down to the hour of the seal being added. 65 His suggestion is to prevent legal suits between rival claimants to offices, it being often the case that the notaries in the Paris Chancellery could not keep a check on who had been issued with letters-patent, and for what. Bodin would have had personal experience of the problem, if not in the acquisition of his own office at least as a consequence of his own observation as an *avocat* in touch with magistrates. Bodin explains that his proposal accords with sovereignty, as governed within the broader frameworks of the laws of God and nature.⁶⁶ Magistrates could have cognizance of the contents of letters-patent and remonstrate if they found that maladministration had occurred. Their actions would enhance the majesty of the sovereign prince. Of course, if the prince specifically commanded the magistrates not to have cognizance of a particular legal act, then ("pourvu qu'il n'y ait rien contre la loy de Dieu et de nature") Bodin argues that it is better, and for political/practical reasons, that the magistrate cede to the royal will rather than risk an example of disobedience to the ruler's subjects. That ratiocination is implicit in Bodin's proposal at Blois.

Bodin offers a similar reflection when he discusses the "power of colleges (puissance des collèges)" (III.vii). He seeks to establish general principles, over and above the myriad specificities, which governed the behaviour of corporate bodies. The issue at stake was the degree to which it was necessary and appropriate for a college or corporation to act only upon unanimous decisions and, if they could act by majority vote, what sort of majority was binding upon the whole corporation. The distinction that he tries to establish is between issues which touched every member of the corporation conjointly and in similar ways ("commun à tous par indivis, et conjoinctement")—in which case a majority opinion could be regarded as binding on the whole, and those which did not do so (in which case, the

⁶⁵ Bodin, République, III.iv; (1986), 3: 111; (1583), 426.

⁶⁶ Diego Quaglioni, *I limiti della sorranità*, 47 sqq. Cf Vittor Ivo Comparato, "Sulla teoria della funzione pubblica nella "République" di Jean Bodin", *Il pensiero politico* 14 (1981): 93–112.

consent of everyone would be required). Bodin goes on to demonstrate that, in the former cases, a two-thirds majority very often applied, so long as the corporation met in common assembly. That was the logic behind his intervention at the third estate of the estates general on Wednesday 14 December 1576.⁶⁷ At issue was the nomination of 12 deputies from each of the orders to form a council of '36' commissioners to collaborate with the royal council and frame the proposals of the estates general into a legal ordinance. The nominations to the committee had been made by the three orders on 9 December. It began its work under the chairmanship of Archbishop Pierre d'Epinac.⁶⁸ Bodin recounts his objections in terms of precedents and parallels—although in the 1586 (Latin) edition, he adds that they were grounded in suspicions, based on experience:⁶⁹

Bodin objected that from time immemorial the prerogative of each of the three estates had been preserved, that two of them could not decide something to the prejudice of the third. [He added that] this had been accepted without difficulty at the Estates of Orléans, and that it was also the practice in the estates of the Empire, in England and in Spain. For this reason he asked the [other] two orders not to take it amiss if he blocked [the proposal] on behalf of the third.

In the *République*, however, we see the deeper context. The decisions made by the commission of 36 could not be regarded as touching every member of the corporation in the same way. Nor would they be arrived at by a meeting in common. Experiential wisdom from Bodin's personal experience thus became interwoven into the fabric of the *République*. Bodin's arguments convinced the delegates from the estates. It was probably at the audience of the commissioners with Henry III later that day that the king was overheard to say "that Bodin had managed the Estates at his pleasure (*que Bodin avoit manié les Estats à son plaisir*)". In the Latin

 $^{^{67}}$ Jean Bodin, Recueil de tout ce qui s'est negotié en la compagnie du tiers estat de France (1577), 15.

⁶⁸ Mark Greengrass, Governing Passions. Pacification and Reformation in the Kingdom of France, 1576–1585 (Oxford: Oxford University Press, 2007), cap. 3.

⁶⁹ Bodin, République, III.vii: (1586), 335: "Ego ambitiosorum hominum consilia subodoratus, amplius deliberandum esse respondi (I, sniffing out the purposes of ambitious men, replied that there should be fuller consideration)". The passage continues in the French edition: "Bodin remonstra qu'on avoit de toute ancienneté gardé telle prerogative à chacun des trois estats, que les deux ne pouvoyent rien arrester au prejudice du tiers: et que cela avoit passé sans difficulté aux Estats d'Orleans: et mesmes qu'il estoit ainsi prattiqué aux estats de l'Empire, d'Angleterre et d'Espagne: et pour ceste cause supplia les deux ordres de prendre de bonne part s'il empeschoit comme ayant charge du tiers estat": République III.vii: (1986), 3: 189.

edition he sharpens the remark even further: "The King, having understood the matter, said that I had managed the estates by my own mastery (Princeps re intellecta me ordines arbitrio meo mæderari dixit)".70 There is no equivalent in the rest of the Bodinian corpus for this inverted selfrepresentation. Why did he choose to put it into the public domain in 1577? The "puissance des collèges" briefly becomes the puissance de M. Bodin, advertising the fact that he had been a force to be reckoned with. But must he not have been uniquely aware of the paradox that Bodin, the advocate of sovereignty, was being accused by the sovereign of manipulating the estates by his own authority as distinct from the king's? Put the reported remark in the context of the chapter and it is as though Bodin is confronting us with the interface between the experienced reality of politics and the reflective act upon it, and at a moment which he when his own fortunes in public life reached a critical juncture. His prefatory letter to Pibrac let the world know that he thought it had cost him a nomination as *maître des requêtes*.⁷¹

The final reflections from Bodin's Blois experience in the 1578 *République* concern taxation and coinage.⁷² Bodin was an advocate of a population census (VI.i) as the basis for equitable ("selon les biens d'un chacun") tax distribution. The advantages are, he observes, "infinite".⁷³ Census, however, could lead to "censure" since, once the ways by which individuals did or did not gain their living were established, one could "banish vagabonds, imposters, robbers, cutpurses and ruffians, who are amidst good folk like wolves among sheep".⁷⁴ Bodin often surprises us with how uncompromising he could be—consequences of his focus on those simpler, more heroic and virtuous ages of Antiquity. The office of "censor" was "peut estre, la chose la plus belle et la plus excellente qui fut onques introduite en Republique du monde".⁷⁵ In that context he examines taxation, filleting in a paragraph in 1578 criticising a fraudulent scheme for a census-based tax

⁷⁰ République III.vii: (1586), 335.

The "Ex eo tamen quantum detrimenti meis rationibus allatum sit, satis intelligeunt, qui saepius aduierunt libellorum in regia magistrum me designatum, a Principe antea fuisse". Bodin must surely have overestimated the possibility of such a nomination.

⁷² See Greengrass, "Money, Majesty and Virtue"; also Greengrass, "The Project for the 'Taille Egalée' at the Estates General of Blois, 1576–1577", in *Le second ordre: l'idéal nobiliaire*, ed. Chantall Grell and Arnaud Ramière de Fortanier (Paris: Presses de l'Université de Paris-Sorbonne, 1999), 169–81.

⁷³ Bodin, *République* VI.i: (1986), 6:13.

^{74 &}quot;bannir les vagabonds, les faineans, les voleurs, les pipeurs, les rufiens, qui sont au milieu des gents de bien, comme les loups entre les brebis": *République*, VI.i: (1986), 6:14.

⁷⁵ République VI.i: (1986), 6:21.

scheme, proposed at Blois by "a bankrupt (*un banqueroutier*)".⁷⁶ In the 1583 edition, he describes how it was referred to, and opposed by, a committee of which he was a member.⁷⁷ Bodin also flags up his important role in the currency debates at Blois, where he summarizes his participation in a commission, established by the Estates General on the subject.⁷⁸ On both issues, he points to the indispensability of the reflective theoretician in public life.

Contemporaries must have been struck by those occasions when Bodin referred to material emanating from contemporary ambassadors and secretaries of state. It was as close as he could get to the reality of the political world as it was. It was common knowledge that one of the king's secretaries had let him see incoming despatches from foreign parts. On 6 February 1577, William Wade [Waad], Elizabeth I's ambassador to the court of the last Valois, reported back to Lord Treasurer Burghley:⁷⁹

I have good and famylyar acquaintance with Bodinus, his profession is the Cyvill law though he is constrayned to retyr him self from the practise for his safety beinge of the Religion and thefore his Estate is poore. He is accompted very lerned. The knowledge he hathe of Forrain matters is by report and by reading, that he hath of Cyvill and polityke matters, he hathe had helpe as he told me of one of the Secretaryes, wch hathe imparted to him the writings of all such affayres as hathe passed between Fraunce and other Countryes of longue tyme, and he hath addicted him selfe a longue continuance to that study wherein the Cyvyll Law, hath not ben the lasse ayde he hathe had. He is one of the deputyes for the third Estate. His booke is by him again corrected and augmented, and newe imprinted whereof I do mean to send yo[u]r L[ordship] of the first at the request of the Auct[o]r.

The secretary of state in question was Nicolas de Neufville, seigneur de Villeroy, whose *département* included the reception of foreign despatches and their presentation before the King and Catherine de Médicis. There must have been arrangements to ensure that the kingdom's security was not endangered. From what he cites, he was allowed access to diplomatic traffic only from less important places. Even that, however, caused a problem abroad in at least one instance. Charles de Danzay was the longest-serving ambassador in any location at the court of the later Valois, his

⁷⁶ République VI.ii: (1986), 6: 84; (1578), 890 [R9039; 9042].

⁷⁷ *République* VI.ii: (1583), 890; cf (1586), 663 ("rex hominum in comitium ad nos misit, ut illud caeleste ac Dei munere concessum beneficium explicaret").

⁷⁸ République VI.iii: (1986), 6: 144; (1578), 936; (1583), 936-7; (1586), 691-2 [R9112].

⁷⁹ Calendar of State Papers, Foreign Series (1576–7), No. 1244 (transcription kindly provided by Kenneth McRae).

residence at the court of the Danish king lasting 21 years. Bodin drew on what he had seen in that correspondence for disparate information, from the privileges accorded Baltic merchants to exemption from French import duties (I.vi), vassal homage for the Orkneys (I.ix), and the subjection of the peasant republic of Ditmarchen in 1559. Bodin declares in respect of the latter: "Vray est que l'an [1559] Adolphe duc de Holstein s'efforça de les assujectir, pretendant que Christierne son bisayeul avoit obtenu de l'Empereur Friderick III. la seigneurie des Tietmarsois". When the historiographer royal of the Danish crown, Nicolas Krag [Kragius], read this, he protested to Danzay at what he regarded as a calumny upon the royal house of Denmark. Not only was it Johann Rantzau (and not Adolphe) who had invaded and subjected Ditmarchen, but the circumstances had been completely misconstrued. Danzay was obliged to offer to write to Bodin and point out his error.⁸¹

Bodin integrates ambassadorial information into his analysis deftly, albeit occasionally with minor errors. He was interested in the history of the marguisate of Finale on the borders of Genoa, whose subjects had revolted against their overlord, Alfonso de Carreto, with the help of the Genoese in 1558. The exiled Alfonso initially put himself under the protection of the French king, but then appealed his authority to the Emperor on the grounds that this part of northern Italy was still notionally part of the Holy Roman Empire. By the time Bodin published, this was old history since the Spaniards had usurped the marquisate in 1571. Bodin tells us that the source of his information (I.ix) was Jacques Bochetal, sieur de la Forest—although he must, in reality, have meant his brother.⁸² When he returns to the subject (V.vi) he attributes further information to Mathieu Coignet, the French resident with the Swiss Leagues, although he was not there at the time.⁸³ Coignet is one of several ambassadors whose despatches Bodin cites as sources for his analysis of where the power lav in that confusing assemblage of jurisdictions.⁸⁴ For the Grisons, he

 $^{^{80}}$ République I.vi: (1986), 1: 146; (1578), 97 [R5713]; I.ix; (1986), 1: 234; (1578), 165 [R6110].

⁸¹ Alfred Richard, Un diplomate poitevin du XVI^e siècle, Charles de Danzay, ambassadeur de France en Danemark (Poitiers: Blaise et Roy, 1910), 206.

⁸² That, in itself, was a confusion, because Bochetal de La Forest was ambassador in Brussels at the time whilst his brother, Bernardin Bochetal was ambassador in Vienna, at least from 1560 (BN MS 500 Colbert 591, instructions of 22 May 1560). Bodin, *République* (1986), 1: 258; (1578), 183 [R6205].

⁸³ République V.vi: (1986), 5: 216.

⁸⁴ Another was Sébastien de l'Aubespine, sieur de Bassefontaine, ambassador to the Swiss cantons in 1548, and again in 1552; *République* II.vii: (1986), 2: 122; (1578), 340 [R6833].

was indebted to Nicolas de La Croix, seigneur d'Orbais, the resident for the French crown there from 1563–1565.85 The despatches of Antoine de Noailles were the source for unexpected information on an English heatwave in 1556.86 He collates that with a fire at Nay in Béarn (Bodin says that it happened in 1540; it actually occurred on 28 May 1543) and with another that had destroyed over 1,000 houses at Montcornet on 22 April 1574.87 Here were 'adminicules', indirect testimonies with which to nuance the Aristotelian proposition that heat is more 'intense' in cold places than in warm ones. He cites the comte de Rotelan's despatches on the authority of the English Parliament.88 It was from those or, more probably, his predecessor Antoine de Noailles, that Bodin furnished details of the marriage contract between Mary Tudor and Philip II.89 The despatches of Jean Cavenac de La Vigne, French resident at the Turkish Porte are given as the (surprising) information that the Ottoman Sultan had placed substantial investments in the Grand Parti, the consolidated debt at Lyon, through the intermediary of the Turkish factor Rostan Bascha. Bodin's revelation that the failure of Henry II to keep up debt repayments was the principal reason for the refusal of the Turks to intervene in Naples in the course of the French campaign in Italy led by François duke of Guise in 1556–7 was the closest the Angevin came to divulging sensitive information.⁹⁰

Diplomatic representatives at the French court from abroad provided Bodin with more information about politics outside France. Valentine Dale was certainly one of his sources, a note (for example) of his conversation with Bernardino de Mendoza on sexual jealousy finding its way into the *République*. But, as the Latin edition adds, Dale was the "magister libellorum". 91 Asked to give him an account of the law-making powers of the Parliament, Dale apparently told him that once a statute had been

⁸⁵ République I.vii; (1986) 1: 160; (1578), p. 108 [R5766], etc. La Croix served from March 1563 to December 1565: Pierre Charpentier, "Le renouvellement de l'alliance avec les Suisses en 1564: le rôle de l'ambassadeur Nicolas de La Croix", Revue d'Histoire diplomatique, 88 (1974), 21–93.

⁸⁶ Bodin, *République* V.i. (1986), 5: 15; (1578), 669 [R8296].

⁸⁷ Bodin's contemporary, Nicolas de Bordenave, noted Bodin's dating error: P. Raymond, ed., *Nicolas de Bordenave: Histoire de Béarn et de Navarre* (Société de l'Histoire de France. Paris: chez Mme Vve Jules Renouard, 1873), 46.

⁸⁸ Bodin, *République* IV.v: (1986), 4: 148; (1578), 610 [R8148]. "Rotelan" = Edward Manners, 3rd Earl of Rutland, who was in France in 1570–1. The French edition implies that this might have been when Bodin acquired this information, but the Latin version transfers the points at issue to Bodin's later embassy to England for Alençon ("ab incolis didici").

⁸⁹ République VI.v; (1986), 6: 241-2.

⁹⁰ République VI.ii: (1986), 6: 90; (1578), 894 [R9046].

⁹¹ République (1578), 684; (1586), 507.

passed into law, it could only be abrogated by a subsequent Parliament. Bodin may have thought he had not heard it aright. At all events, he did not believe it, adding that English kings were free to reject laws made in their Parliaments and that King Henry VIII had frequently done so. It seems unlikely that Dale would have told him that.92 Bodin seized the opportunity afforded him by his membership of the deputation to Metz in 1573 to receive the Polish ambassadors, sent to offer the Polish-Lithuanian crown to Henry, Duke of Anjou. It was from Jan Zamojski [P: Ioannes de Zamość], one of the members of that delegation, that he learnt the curious procedures for putting nobles on trial in that part of the world.93 Reflecting a conversation with his Lithuanian colleague "Pruinski" as well as the testimony of a Swedish-born war-commissioner ("Holster"), Bodin believed that Eskimos had eyesight that was much better at night than during the day, and had eyes like owls—information that he fitted into an Aristotelian explanation. Pruinski (with Gilles de Noailles, abbé de l'Isle, the ambassador at Constantinople from 1575 to 1579) was also the attested source for the most sensational story of all in the Démonomanie:94

[O]ne of the greatest Kings of Christianity [i.e. Charles IX], wanting to know the destiny of his state, summoned a Dominican [who was a] Necromancer. [The latter] said Mass and, after having consecrated the host, had a first-born child of ten years of age decapitated, a boy who had been selected for this purpose. [Then], putting the head upon the host and pronouncing certain words... the head spoke just these two words: "Vim passior". The King flew straightway into a rage, crying out endlessly: "away with that head", and he thus died transfixed with anger.

Bodin does not dismiss this out of hand. Had not the Emperor Theodoric, having ordered Symmachus to be beheaded, found himself dining on a fish the head of which resembled Symmachus, and died soon afterwards from the meal's effects? The boy in question knew no Latin nor Greek, but who was to say whether it was not "l'esprit de l'enfant, ou son ange"

 $^{^{92}\,}$ R. W. K. Hinton, "Les Six Livres vus d'Outre-Manche", in Jean Bodin: actes du colloque interdisciplinaire d'Angers, 469–77.

⁹³ Bodin, République (1578), 623 [R8182].

^{94 &}quot;l'un des plus grands Roys de la Chrestienté [i.e. Charles IX] voulant sçauoir l'issue de son estat, fit venir un Iacobin Necromatien lequel dit la Messe, & apres auoir consacré l'hostie, fit trancher la teste à un ieune enfant de dix ans, premier né, qui estoit preparé pour cest effect, & fit mettre la teste sur l'hostie, puis disant certaines paroles...la teste ne respondit que ces deux mots. *Vim passior*. Et aussi tost le Roy entra en furie, criant sans fin ostez moy ceste teste, & mourut ainsi enragé": Bodin, *Démonomanie* (1580), fo. 78A; (1598), 155 [D794].

that spoke for him and tormented the King for this outrage? Bodin does not reject it for what, in retrospect, we can see it to have been: the echo in central Europe of Protestant libels which had circulated in early 1561 concerning the untoward death of Francis II.

Bodin wanted us to conclude that he had well-informed points of reference, part of his strategy of "being accounted learned". Complementing that strategy was his integration of experiential learning with learning derived from books. One of the striking features of the *République* is Bodin's determination to ground the work in the interstitial space between politics, history and law, between the way things are, and the way they should be.⁹⁵ He does so, accepting the infinite variety of things whilst encompassing it within explanatory frameworks that correlate his own immediate world with the worlds of God and nature and so cohere in that ultimate unity which (for Bodin) is where truth resides.

4

The *Démonomanie* begins with a dedication to Christophe [Christofle] de Thou—the First President of the Parlement of Paris since 1562 and Chancellor of François, Duke of Anjou—in which Bodin evokes the Parlement of Paris as a great theatre: "this sovereign school of Justice... in which one sees, one hears, one learns better than anywhere else in the entire world the true experience and usage of laws and ordinances and of all the decisions... that ever were". Pe Thou headed the commission for the reformation of the customs of the Vermandois *bailliage*. Bodin would have accompanied him, along with Barthélémy Faye d'Espeisses (*président aux enquêtes* at the Parlement of Paris, who also features as a source in the book), in local investigations. The 1580 text begins with a striking reference to the witch-trial of Jeanne Harvillier of Verbery near Compiègne, judged locally and then on appeal. The case had stimulated Bodin into writing the work because the local *procureur du roi* (Claude

⁹⁵ Diego Quaglioni, A une déesse inconnue: la conception pré-moderne de la justice (Paris: Publications de la Sorbonne, 2003), 111 sqq.

⁹⁶ Bodin, *Démonomanie* (1580), sig. a.ij; (1598) sig. A2: "ceste escholle souueraine de Iustice… en laquelle on voit, on oit, on cognoist mieux qu'en lieu de tout le monde, la vraye experience & usage des loix & ordonnances & de toutes les decisions… qui furent oncques."

⁹⁷ Démonomanie (1580), sig a.iv.vo; (1598), 6 [D10]; (1580) fo 176vo [D1516]; (1580) fo 186vo; (1598), 358 [D1576].

Defay) had found aspects of the case puzzling. Each time Bodin returns to the incident (he does so several times) it is to record a different way by which he had experienced it: first, by hearsay (Defay related how he had seen the devil's mark on her), then by documentary evidence (through a copy of the interrogatory), and then finally by visual and oral testimony (he attended her judgment and sentence and followed up the background investigations).98 Strangeness is a leitmotif for many of the experiential references in Bodin. He was anxious to reinforce his perception that "it does not do to dig in one's heels against the truth, when one sees the effects and does not know the cause".99 There are "in nature a thousand marvels of which the cause is not yet discovered". 100 Bodin's experiential figures often serve as a kind of dialogue en cachette with Aristotelian philosophy, not anti-Aristotelian in intent, but commenting instructively on the edifice. Equally, they often serve a rhetorical function, as a transition from one proposition to another, moving through collected wisdom on a subject via selected, experiential moments to a further proposition in a kind of circular, but forward motion, satisfying readers' conventional expectation of authoritative support whilst exciting their curiosity and sense of immediacy.

Bodin regularly alludes to individuals upon whose experiences he drew for the *Démonomanie*. Legal officials of the jurisdiction at Laon, one of the largest *bailliages* in the kingdom, where he was *procureur du roi*, supplied him with case-file extracts. ¹⁰¹ Many of his witchcraft testimonies are mentioned at one remove, however, recounted to him by magistrates whom he trusted. Jacques Laurens, *juge criminal* in Niort, for example, furnished from a case of 1560 in Poitou details of magical practices to induce impotence. ¹⁰² Bodin probably acquired the information when he was *procureur general* for the assize court ('Grands Jours') at Poitiers in 1567. The innkeeper where he lodged during his residence there, a "*damoiselle en bonne réputation*", had told him of "more than fifty ways of tying the cod-piece

⁹⁸ *Démonomanie* (1580), sig. a.iiii–a.iv; (1598), preface, sig. D3; (1580), 189; (1598) 173 [D1594]; (1580) fo. 269 vo; (1598), 307 [D2634].

⁹⁹ *Démonomanie* (1580), sig. c.iij; (1598), 21: "[i]l ne faut donc pas s'opiniastrer contre la verité, quand on voit les effects, & qu'on ne sçait pas la cause".

¹⁰⁰ Démonomanie (1580), sig. a.iij; (1598), 14: "mille merueilles de nature, dont la cause n'est encores descouuerte."

 $^{^{101}}$ For example, Adrian de Fer, lieutenant-général: Démonomanie (1580), fo. 87 [D936]; Adam Martin, bailli of Bièvres and a procureur (1580), fos. 108, 170, 192, 217 [D152; 1599; 1599; 2314]; Jean Martin, lieutenant de la prévôté in Laon (1580), fo., 148 vo, [D1375]; M. Poulallier, prévôt des maréchaux (1580) fo. 167 vo [D187]; etc.

¹⁰² Démonomanie (1580), fo. 73 vo; (1598), 127 [D675].

(plus de cinquante sortes de noüer l'esguillette)". Pierre Rat, sieur de Salvert, président of the présidial court in Poitiers assured him that the trial-records of Guillaume Edeline, the Benedictine monk at the abbey of Lure, who had preached leniency towards witches as deluded humanbeings and then was himself accused and convicted of witchcraft in 1453, were still extant. Salvert's research had uncovered other cases, proving that witches regularly congregated at a local cross in Poitou. He passed on to Bodin details of the trial in 1564 of four witches, convicted of having worshipped Satan in the form of a goat. Aubert de Poictiers, a fellowadvocate at the Parlement of Paris, provided the testimony on witches' marks from a case at Châteauroux. To M. Fournier, the conseiller in the présidial at Orléans, gave him evidence about the places for witches' sabbats from that part of the world. Alexandre de La Tourette, one of Bodin's acquaintances in the money debate, equally passed on information about an interesting case from Dauphiné.

Bodin had begun work on collecting material on witchcraft when he was a deputy at Blois in 1576–7. Once again, his inn-keeper was a useful source, recounting the story of a local witch who tried to heal someone by lying on top of the invalid and whispering a magic incantation. Simon Riolé, third estate deputy from the local Blois circumscription, provided him with the instance of a woman who had seen a small boy "noüant l'esquillette sous son chapeau" during a church service, an incident which Bodin uses to prove that children with no knowledge of witchcraft were nonetheless susceptible to the devil's influence. Gabriel Bonnyn, bailli from Châteauroux and deputy for the Berry, told him of a witch whom he had convicted on the evidence of her own daughter. In an intriguing recent instance ("vne histoire memorable, de fraische mémoire") he recounts meeting at Blois in January 1577 someone called "Le Comte",

¹⁰³ Démonomanie (1580), fo. 58; (1598), 125 [D674].

¹⁰⁴ Démonomanie (1580), fo. 219 vo; (1598), 479 [D2335]. On the case in question, Aristide Déy, "Histoire de la sorcellerie au comté de Bourgogne", Mémoires de la commission d'archéologie de la Haute-Saône (1860), 76–7.

¹⁰⁵ Démonomanie (1580), fo. 83 vo; (1598), 181 [D902].

¹⁰⁶ Démonomanie (1580), fo. 86; (1598), 187 [D933].

¹⁰⁷ Démonomanie (1580), fo. 80; (1598), 173 [D872].

¹⁰⁸ Démonomanie (1580), fo. 87 vo; (1598), 190 [D1308].

¹⁰⁹ Démonomanie (1580), fo. 91 vo; (1598), 198 [D985].

¹¹⁰ Démonomanie (1580), fo. 19; (1598), 36 [D347].

¹¹¹ Démonomanie (1580), fo. 57 vo; (1598), 125 [D672].

¹¹² Démonomanie (1580), fo. 87; (1598), 189 [D937].

whose behaviour led Bodin to think he was a witch. II a "The Count" was apparently from Savoy, though Bodin doubted his gentility. I hazard a guess that the person in question was, in reality, 'Simon Le Comte', part of the syndicate that had proposed the *taille égalée* scheme, a radical reform of the principal direct tax in France to align the tax-burden with people's resources. II4 Bodin provides revealing details of Le Conte's ingenious propositions for fertilizing crops and arithmetic teaching, typical neat ideas that contemporaries treated with suspicion. Bodin tells us that one of the clerks in the office of the secretary of state, Simon Fizes, overheard Le Comte boasting of being able to identify the playing cards in someone else's hands. Here is tantalising evidence of Bodin's contacts with the *commis* of the French state; the *greffiers* and minor officials who may well have been instrumental in providing him with insights into royal government.

The number of witchcraft cases to which Bodin refers is not as numerous as it seems at first reading. He drew, implicitly or explicitly, on published pamphlets and libels involving witchcraft and demonic possession, and. as Christian Martin notes elsewhere in this volume, on material from Weyer himself. Several references to the famous exorcism of Nicole Aubry at Laon in 1566 indicate that his knowledge of the case rested on the publications which it had inspired. 115 On the subject of werewolves, his evidence came from the trial and confession of Gilles Garnier, which had been published in 1574.116 One of the features of witchcraft and demonic possession pamphlets, however, was their obsession with circumstantial details in order to vindicate their veracity. Bodin preferred to distance himself from that technique, consciously sparing in details, preferring to focus the reader's attention on the underlying issues. So, for example, Bodin refers twice to the case of a gentleman living not far from Villers-Cotteretz with a familiar spirit hidden in a ring which he had acquired from a Spanish soldier.¹¹⁷ The question was the strength of the devil's hold over individuals and how it could be broken. Bodin begins with what he regards as his strongest testimony ("Et de faict..."). It concerned the

¹¹³ Démonomanie (1580), fo. 137 vo; (1598), 297 [D1343].

Further details in Greengrass, "Project for the 'Taille Égalée' " (above, note 72).

¹¹⁵ Irene Backus, Le miracle de Laon. Le déraisonnable, le raisonnable, l'apocalyptique et le politique dans les récits du miracle de Laon (1566–1578) (Paris: Librairie Philosophie J. Vrin, 1994); Bodin, Démonomanie (1580), fo. 172; (1598), 336 [D1484].

¹¹⁶ Arrest de la Cour de Parlement de Dole, du dixhuictiesme jour de janvier 1574 contre Gilles Garnier (Sens, 1574); Bodin, Démonomanie (1580), 96; [1598], p. 208 [D2606].

¹¹⁷ Démonomanie (1580), fo. 77 vo; (1598), 168 [D875 and D1490].

bewitchment of Madame "Rosse" from Dammartin. She had been brought to Paris in 1552 and investigated by a Sorbonne theologian (François Le Picard) and a leading Hippocratic physician, former dean of the Faculty of Medicine, Jacques Hullier ("Hullerius") who testified, the latter despite his scepticism, to her being bound by both hands.¹¹⁸ Bodin allows himself a diversion on the nature of carnal copulation with the devil before turning to his two supporting examples. That of the gentleman from near Villers-Cotteretz furnishes testimony that is less direct, but (from Bodin's point of view) more telling. The fact that the malign tie in the ring could not be destroyed by throwing it into the fire was an experimentum crucis of the nature of the liaison in question. When Bodin deploys more than one experience in the *Démonomanie*, he frequently does so in an implicit hierarchy that reveals how sensitive he was to certain sorts of proof, beginning with factual material accountable firm and lasting (res facti permanentis), and then moving to the voluntary confessions of suspects and the best witness statements available, before mentioning transitory contributory factors (res facti transeuntis) which might serve to substantiate the case in question.

The most enigmatic personal experience of all is, of course, Bodin's account of an angelic manifestation, which occurred to someone whom he describes as a friend aged about 37 years. ¹¹⁹ An assiduous eighteenth-century reader of the 1587 edition thought this was Bodin himself, a proposition published in 1910. ¹²⁰ It is entirely in keeping with the way Bodin structures his experiential narrations that this account is packaged within a personification, whilst at the same time woven into a wider argument about the reality of spiritual forces for good and evil in the world around. That fits with other evidence about Bodin's odd, periodically combative, behaviour. It was François Pithou who recalls for us that Claude Fauchet—a great antiquarian scholar as well as an eminent magistrate—regarded Bodin himself as a witch. Fauchet recalled Bodin visiting him

¹¹⁸ Démonomanie (1580), fo. 76 vo; (1598) 166 [D1505].

¹¹⁹ Cf below, pp. 142-4, on Bodin's adoption of "René Herpin" as an alter ego.

¹²⁰ Robin Briggs, "Dubious Messengers: Bodin's Daemon, the Spirit World, and the Sadducees", in *Angels in the Early Modern World*, ed. Peter Marshall and Alex Walsham, 168–90 (Cambridge: Cambridge University Press, 2007); cf C. R. Baxter, "Jean Bodin's Daemon and his conversion to Judaism", in *Verhandlungen der interenationalen Bodin Tagung in München*, ed. H. Denzer, 1–21 (Munich: C. H. Beck Verlag, 1973). For the reference to the annotation in an eighteenth-century hand to the Bibliothèque Nationale de France 1587 edition (Rés R 1260) I am grateful to Virginia Krause and Christian Martin, whose forthcoming edition of the *Démonomanie* will discuss the passage in question at greater length.

one day, and proposing that they should set out for a walk when a stool ("un escabeau") moved of its own accord. Bodin's response was apparently: "It is my demon who says there is danger there for me". ¹²¹ If the passage in the *Démonomanie* refers to Bodin himself, we should read it in the context of the similar accounts of angelic visitations recorded by Girolamo Cardano about himself when he was young, and about his father, Facio Cardano, recounted for us in Book 18 of *De Subtilitate*. It is possible that Bodin's experience, consciously or otherwise, was fashioned in and through Cardano's account, whose guardian angels turned into a kind of Platonic academy, conducting a dialogue with him on the world and its secrets. ¹²²

5

How did Bodin organize his experiences? We may imagine, following Ann Blair, that he kept commonplace books. But that, very likely, was not the only way. He probably kept a diary as well—indeed we have the evidence for that part of it which he chose to publish, albeit in the exceptional circumstances of the Estates General of Blois. It is also probable that, in common with contemporary lawyers, he kept a register of royal edicts, such *recueils* being common practice in French law schools.¹²³ Although there were some printed collections by the time he came to publish the République, he rarely cites them. More often he gives us the year of the act in question and the king responsible, sometimes referring to the archive where he had found it. The République is full of evidence that Bodin's experiential world involved regular visits to these repositories. At the same time, however, we should not underestimate the capacity of someone as gifted as Bodin for using his memory—again in common with his contemporaries—far more systematically than most of us now would regard as practicable. When we find him making mistakes, they are more readily explicable as the occasional inaccuracies of misremembered information than as poor copying.

¹²¹ "C'est mon ange qui dit qu'il n'y fait bon pour moy", cited Paul Lawrence Rose, *Jean Bodin and the Great God of Nature: the moral and religious universe of a Judaiser* (Geneva: Droz, 1980), 173.

¹²² That possibility is also aired in Anthony Grafton, *Cardano's Cosmos: the World and Works of a Renaissance Astrologer* (Cambridge MA: Harvard University Press, 1999), 170–1.
123 Marie Houllemare, "Ecrire la justice hors le greffe: la mémoire judiciaire dans la ville à Paris au XVI° siècle" in *Une histoire de la mémoire judiciaire*, ed. Olivier Poncet and Isabelle Storez-Brancourt, 319–33 (Paris: École des Chartes, 2009).

Sometimes he seems to want us to believe that he has visited archives, even when it is now clear that he had not done so. Such pointers have played their part in the confusion over Bodin's possible sojourn at Geneva, now disposed of for good by Letizia Fontana. ¹²⁴ In the *République*, Bodin refers to the affair of the Florentine banker Jean-Baptiste Didato, who had acquired the office of *receveur des finances* in the generality of Rouen before retiring to Geneva and becoming Protestant, taking with him the cash-box of the kingdom's most lucrative receipt. ¹²⁵ The case raised issues of citizenship and sovereignty in an acute form. Guillaume Du Plessis, sieur de Liancourt, was the French ambassador in Soleure who sought the fugitive's rendition. But the Genevan magistrates refused on the grounds that Didato was not a French *régnicole*, and that the French writ did not run in Geneva. Liancourt argued, by contrast, that French revenues were the sovereign affair of the French state, and so too was the office-holder of the crown who had walked off with them. Bodin adds: ¹²⁶

As I have seen in the letters of the French ambassador....written to the Constable, and the person who has written to the contrary has not carefully combed through the registers in Geneva.

Bodin wants us to suppose that he has looked at the evidence, leaving us to infer that he has been to Geneva himself.

The reader would similarly be forgiven for imagining that he had spent months, if not years, in the Vatican library and archives in Rome. His interests were especially in the Papacy's claims to feudal overlordship, and what those claims revealed about caesaro-papal relations. He noted that the realm of Naples was held in fief to the Papacy "as I have read in the register of the Vatican (comme j'ay leu au registre du Vatican)", and that the kings of Hungary were also at one time feudatories of the papacy, something which "is included in the catalogue of the Chancellery in Rome;

¹²⁴ Letizia Fontana, "Bilan historiographique de la question du séjour de Jean Bodin à Genève", *Bibliothèque d'Humanisme et Renaissance*, 71 (2009): 101–11.

¹²⁵ Noëlle Baudouin-Matuszek, and Pavel Ouvarov, "Banque et pouvoir au XVIe siècle. La surintendance des finances d'Albisse Del Bene", *Bibliothèque de l'École des Chartes*, 149 (1991): 251; cf Hippolyte Aubert (ed.), *Correspondance de Théodore de Bèze* (1539–1555) (Geneva: Droz, 1960), 1: 61–2.

^{126 &}quot;Comme j'au veu par les lettres de l'ambassadeur de France...escrites au Connestable, et celuy qui a escrit le contraire n'a pas bien feuilleté les registres de Genève": Bodin, *République* III.vi: (1986), 3: 171; (1578), 472 [R7647].

and I have even seen in the register of the Vatican an act...". 127 What he had perhaps seen was a volume in the Trésor des Chartes in Paris, though it is not impossible that Bodin had spent time in Italy. Ferrier, who was in a position to know, says that he had. 128 For other materials which the reader might easily infer the Angevin had seen for himself, he most likely relied on the indefatigable Augustinian librarian in the Vatican, Onuphrius Panvinius (Onofrio Panvinio), whose works he evidently knew well. 129 In respect of the most controversial caesaro-papal document, the so-called 'Donation of Constantine', Bodin sneaks in a time-bomb. Panvinius had accepted Lorenzo Valla's arguments on philological grounds that the document was a forgery. But Bodin goes one step further: "he [Panvinio] does not say what I have read in the extract from the Vatican register, that Jean surnamed Digitorum had written in golden lettering the pretended Donation of Constantine, where these words occur at the end: 'Quam fabulam longi temporis mendacia finxit'. I have wanted to alter nothing: which are much stronger arguments than those of Lorenzo Valla". 130 By the 1570s, such a discovery would not have the impact that it would have had in the 1520s. But it was noticed in Protestant circles where Matthias Bernegger, for example, mentioning Bodin's discovery in his edition of the thirteenth-century imperialist Lupuldus de Berbenberg's treatise on Roman law, 131

The evidence is strong that, like Pierre Pithou, Antoine Loisel and others, Bodin kept manuscript copies of royal acts, registers of letter-book collections, manuscript notes on provincial customs, and open files on various subjects, collecting material over a long period of time. Parts of the *République* were already beginning to be put together a decade before its publication. I am inclined to imagine that Bodin's organizational strategies

[&]quot;... est compris au catalogue de la Chancelerie de Rome: et mesme j'ay veu au registre du Vatican un acte...": $R\acute{e}publique$ Lix: (1986), 1: 272, cf 245; (1578), 195, cf 173 [R6158, R6257]).

¹²⁸ Ferrier, Advertissemens, p. 27.

¹²⁹ At one (rare) moment in the *République*, Bodin admits: "comme dit Augustin Onophre, chambrier du Pape, avoir leu aux registres du Vatican, lesquels je n'ay pas tous veus": (1986), 1: 271, 286. I have not identified to which of Onuphrius Panvinius' numerous works Bodin was referring.

^{130 &}quot;...il [Panvinius] ne dit pas ce que j'ay leu en l'extrait du registre du Vatican, que Jean surnommé Digitorum, avoit escrit en lettre d'or la donation pretenduë de Constantin, où ces mots sont à la fin: 'Quam fabulam longi temporis mendacia finxit'. Je n'ay rien voulu changer: qui sont arguments beaucoup plus fort que ceux de Laurens Vale" (République Lix; (1986), 1: 283; (1578), 203 [R6288; 6289]).

¹³¹ Lupuldus de Bebenburg, *Tractatus de juribus Regni et Imperii Romanorum*, ed. Matthias Bernegger (Strasbourg: Typis Rihelianis, 1624), 36.

were complex: common-place books, but also marginal annotations in printed works, private *recueils*, daily journals, manuscript notebooks—in short, the full arsenal of the renaissance technologies available for dealing with the 'information overload' which contemporaries lamented, but which seems to have caused Bodin himself little difficulty.

6

We have explored examples of the ways in which Bodin's texts were structured by his 'experiential world'. They are 'structured' in a double sense. The first is by the confrontation between ratiocination and experiential testimony which is so regularly part of the 'method' he had displayed in the Methodus, in respect of what he read in books. 132 It had a sort of rhythmic, interactive character: evidential experience nuanced and refined by means of reason, the one opening the doors upon diversity and strangeness which then informed the other's pursuit of deeper truths, both processes, together pointing to the underlying unity of Creation. The second is the 'presentational' strategy that they disclose: for their deployment in the three works that we have investigated had rhetorical, even polemical, purposes. Those works laid claim to experiential wisdom which contemporaries could not easily gainsay. They implied a command of knowledge which readers could not readily refute. That perhaps explains why almost all the changes that Bodin made to the Démonomanie in the revised 1587 Paris edition were in order to present additional experiential material which had come to hand since 1580. We might also deduce from the fact that this edition was a loner, not the basis for the future re-editions in France or elsewhere, that contemporaries, or at any rate Bodin's printers, were after all not very interested to have yet more experience thrown at them. In the wider scheme of things, it was not for Bodin's experiences that his works would be read and judged.

Our historical inclination is to comb his works for evidence of Bodin the person, and Bodin the life, recreating in our minds those he was in touch with, his circle of friends and acquaintances. We should be sceptical of treating such evidence too literally. He could make mistakes as to where he was, and when. There are whole periods of his life about which we know more or less nothing, and the works do not fill the gap. He was

¹³² See the chapter by Marie-Dominique Couzinet in this volume.

perhaps someone who had no particularly close acquaintances. His writings suggest a rather prickly character. He quite often identifies those who supplied him with information. But we have no one who tells us that they had information and knowledge from *him*. We may be able to go some way towards entering Bodin's ante-room by subjecting to closer scrutiny the references that he makes in his works, and how he makes them. But we shall never be able fully to enter into the entire contingency of those works' creation.

CHAPTER FOUR

LISTENING TO WITCHES: BODIN'S USE OF CONFESSION IN DE LA DÉMONOMANIE DES SORCIERS

Virginia Krause

Across early modern Europe, thousands of those accused of witchcraft confessed to attending nocturnal assemblies where they danced, feasted, and fornicated with demons, where members of an underground cult affirmed and reaffirmed their allegiance to the devil, where would-be plots were made and spells were cast, where children were sacrificed and then consumed in anthropophagous rituals. Sometimes termed 'nocturnal assemblies', 'the game', 'the synagogue', or 'the sabbat', this would-be satanic ritual defines early modern European witchcraft, setting it apart from other belief systems involving *maleficium* (harmful magic). Among contemporary historians, there is now consensus that the witches' sabbat was in no way an actual occurrence. Nevertheless, thousands of accused 'witches' produced these first-person narratives that sealed their fate, for documents reveal that defendants almost inevitably abandon their initial denials and confess to having attended the sabbat.

In the sixteenth century opinions on the sabbat diverged, but one can pinpoint two tendencies, which Françoise Lavocat has characterized as the *realists* (those who believed that the sabbat was a very real occurrence) and the *illusionists* (those who considered the sabbat to be a dream or hallucination, in some cases inspired by the devil).² In sixteenth-century Europe, Johann Weyer was no doubt the most influential *illusionist* while Jean Bodin became the most virulent spokesman for the *realist* school.

¹ "Historical European witchcraft is quite simply a fiction, in the sense that there is no evidence that witches existed, still less that they celebrated black masses or worshipped strange gods": Robin Briggs, *Witches and Neighbors: The Social and Cultural Context of European Witchcraft* (New York: Viking, 1996), 6. Influential earlier thinkers (Michelet and Murray) viewed the sabbat as a continuation of pagan rituals.

² Françoise Lavocat, "L'Arcadie diabolique: la fiction poétique dans le débat sur la sorcellerie (XVI°–XVII° siècle)," in *Fictions du diable: Démonologie et littérature de saint Augustin à Léo Taxil*, eds. Françoise Lavocat, Pierre Kapitaniak and Marianne Closson, 57–84 (Geneva: Droz, 2007), 57–84.

For Bodin and other realists, the witches' sabbat was a very real event posing the greatest threat imaginable to humanity. Although it took place in the shadows, in very dark places, it was not invisible to God who could only be angered by the proliferation of witchcraft and the laxity of judges and princes who ignored what Bodin took to be unambiguous commandments regarding magic, most notably in *Exodus* xxii.17: "Thou shalt not suffer the witch to live", a verse quoted repeatedly in *De la Démonomanie des sorciers* (1580).

Bodin composed his treatise with the express purpose of awakening his contemporaries to what he saw as a mounting tide of Satanism. And in this endeavour, confessions from trials constituted his primary source of evidence. In the sixteenth-century science of demons, knowledge about witchcraft was drawn from the accounts of would-be participants, and the pages of the *Démonomanie* are peppered with fragments from confessions or allusions to them. A superficial survey of the treatise reveals over one hundred variations on the formula "confessed that...(confessa que...)". If these confessions, mostly by unlettered women, trump traditional philosophical or historical sources in the *Démonomanie*, it is because of the nature of demonology. As Lyndal Roper observes, early modern demonology was to a large degree a science founded on the evidence of experience.3 Confession was valued precisely because it was believed to make witches experiences accessible—experiences horrific and strange, but true for demonologists of the realist school such as Jean Bodin, well aware that confession was the basis for both understanding and prosecuting witchcraft. For in the science of demons, confession was used as the primary method of investigation, verification, and validation. The first-person narratives furnished by the 'witches' themselves gave the demonologist access to the hidden world of demons and their earthly agents. Witchcraft theory emerged out of an auricular regime in which the truth had to be spoken by the witch herself, or rather "extracted from her mouth," truth that the demonologist could hear but not see.

Demonologists intent on deciphering the sabbat relied on the confessions generated in trials for witchcraft. In early modern France, condemning a witch usually required extracting a confession—proof of guilt in capital cases such as witchcraft. The Roman-canon law required high

³ Witch Craze: Terror and Fantasy in Baroque Germany (New Haven CT: Yale University Press, 2004), 52.

standards of evidence to establish full proof, as John Langbein observes.⁴ In capital cases such as treason and witchcraft, full proof could be established in one of two ways: either by the testimony of two eyewitnesses, or by confession on the part of the accused. In practice, it was confession that emerged as the *de facto* 'queen of proofs'.⁵

Given his professional role as an avocat and a jurist, Jean Bodin was well acquainted with the finer points of French criminal law and he devotes all of Book IV to technical questions intended to facilitate the task of a judge trying a witchcraft case. Bodin thus examines under what circumstances confession could be admitted as full proof; when judicial torture could be applied; whether or not the testimony of children could be admitted as evidence; what punishment should be allotted; and other related matters. His discussion is clearly motivated by a desire to locate witchcraft in something beyond words—in something tangible. He insists on the importance of the *notorium facti*, what he terms "la vérité du fait notoire et permanent"—clear, concrete manifestations of witchcraft: poisons, magical charms, toads, limbs from a cadaver, wax dolls pierced with needles. However, when it comes to examples given in the *Démono*manie, he falls back on what could be learned only from confession. In particular, he highlights two recent cases of witchcraft—Jeanne Harvillier (who confessed spontaneously, without torture, he assures us in the 1580 Preface) and Abel de la Rue (whose interrogation is reproduced in the 1587 Preface to the Reader). Significantly, neither case was based on notorium facti. Instead, both witches were condemned on the basis of confession—as, indeed was the vast majority of defendants condemned in early modern witchcraft trials.⁷ Like his successors amongst the French

⁴ Judicial torture was abolished in France in 1780, but criticism began well before then. See John Langbein, *Torture and the Law of Proof: Europe and England in the Ancien Régime* (Chicago: University of Chicago Press, 1976), 65–7.

⁵ Edward Peters, *Torture* (Oxford: Basil Blackwell, 1985), 41.

⁶ Bodin, De la Démonomanie des sorciers (Paris: Jacques Du Puys, 1580), fo. 172 vo.

⁷ Bodin's desire to give weight to circumstantial evidence is typical of his generation of jurists. In his history of criminal procedure in early modern France, John Langbein tracks the progressive unravelling of the Roman law of proof, a gradual process beginning in the sixteenth century. The highly professionalized French judiciary was quietly working to escape the rigid confines of the law of proof with its uncompromisingly high standards for full proof. Judges wanted to exercise their expertise in evaluating circumstantial evidence, to liberate the procedure from strict reliance on confession and its handmaiden, torture. It was no secret that the tight restrictions on the judge's evaluation of evidence and the high standards cultivated for full proof invited subterfuge and coerced confession. In Langbein's words, the "confession rule weakened the entire system." Thus, between 1539 and 1670, judges defined procedures for establishing guilt using an alternative and subsidiary

realist demonologists, Bodin was forced to acknowledge that when it came to the sabbat and other 'mysteries,' there was only one way to find out what happened: through confession. "The assemblies, and other wickednesses," he observes, "cannot be learned except by their confession or from their accomplices".⁸ In early modern demonology, the sabbat was first and foremost a discursive universe: the only way in was through the accounts of participants.

What methods does Jean Bodin employ in interpreting this source material—scarcely sufficient in other domains of knowledge, but indispensable for demonology? How does he bolster the judicial and epistemological authority of confession in defence of the realist school of demonology? And, finally, for Bodin and other demonologists hoping to pierce the mysteries of witchcraft, what sort of truth can be spoken and heard rather than seen? To answer these questions, we must probe the auricular regime of early modern demonology, paying close attention to its groundings in theories of perception, epistemology, and in the legal institution reserved for prosecuting witchcraft and other 'exceptional' crimes.

In early modern France, witchcraft had the legal status of being a *crimen exceptum*: a crime deemed at once so horrific and so secret that extraordinary measures were required in order to prosecute it.⁹ The crime of witchcraft was elusive partly because it was so hard *to see*, taking place at night and in the shadows which obstruct visibility. A crime committed in the darkness of an impenetrable night cannot be rooted out without recourse to exceptional measures. Near the beginning of Book 4 of the *Démonomanie*, which contains a technical discussion and 'how to' guide for prosecuting the crime of witchcraft, Bodin summarizes the rationale for treating witchcraft as a *crimen exceptum*. A crime as abominable and

system of proof which subsisted alongside the Roman-canon law of proof. This parallel system allowed the courts to punish on the basis of evidence short of full proof (confession or two witnesses) by giving more weight to circumstantial evidence evaluated by the judge. This evolving parallel system of alternative proof in effect liberated the criminal procedure from its former dependence on confession. Langbein, *Torture and the Law of Proof*, 48–51.

⁸ Jean Bodin, *On the Demon-Mania of Witches*, trans. Randy Scott, ed. Jonathan Pearl (Toronto: Centre for Reformation and Renaissance Studies, 2001): "on ne peut *sçavoir* que par leur confession ou de leurs complices" (Bodin, *Démonomanie* (1580), fo 183). Unless otherwise stated, Englished quotations in what follows will be from Randy Scott's translation.

⁹ See Christina Larner, "Crimen Exceptum? The Crime of Witchcraft in Europe," in *Crime and the Law*, ed. Victor Gatrell, 49–75 (London: Europa Publications, 1980).

as hidden as witchcraft requires exceptional procedures, he explains: "[s]ince Satan and witches enact their mysteries at night, and witches' works are hidden and concealed and they cannot easily be sighted, the investigation and proof are difficult".¹¹0 This is a common theme sounded by all of Bodin's successors amongst the French realists. Witchcraft is "the most abominable crime of all and is ordinarily committed at night and always in secret", writes Henry Boguet in the first pages of his *Discours exécrable des sorciers* (1602).¹¹¹ Pierre de Lancre rehearses the same legal argument in his *Tableau de l'inconstance des mauvais anges et démons* (1612). "This is a crime committed at night and always secretly", he observes, concluding, "it follows, therefore, that it should be treated as an extraordinary crime to which one does not apply the rule of law or ordinary procedures".¹² Whenever the question arises of the times when the devil is at work, French demonologists agree that in the vast majority of cases it is in the darkest hours of the night.¹³

Demonology was thus, by necessity, a science of the night. For early modern demonologists, trying to understand witchcraft was like peering into the darkness of an impenetrable night. The paradoxical nature of contemplating darkness is the basis for a key observation made by Aristotle's successor Theophrastus (*c.* 372–*c.* 288) whose work on sense perception, *De sensibus*, enjoyed something of a renaissance in the era of French demonology. Theophrastus wanted to understand how it is

¹⁰ Scott, trans., *On the Demon-Mania of Witches*, 174: "...les Sorciers iouent leurs mysteres la nuict...; les marques de Sorciers sont cachees et couvertes, et...la veüe au doigt & à l'œil ne s'en peut aysément faire l'inquisition, & la preuve en est difficile" (Bodin, *Démonomanie* (1580), fo. 166 vo).

[&]quot;Il s'agissoit d'un crime le plus abominable de tous, et qui se commet ordinarement de nuict, et tousjours en secret": *Discours Execrable des Sorciers* (Paris: Denis Binet, 1603), 7. Boguet later adds (pp. 131–2) that one of the exceptions justified by the secret, nocturnal nature of the crime of witchcraft is accepting testimony that might otherwise be deemed unreliable: witches "exercent tousjours leurs meschancetez et abominations de nuict, et en secret, de façon que nul autre n'en peut deposer qu'eux, et pour cela il faut en ce cas donner lieu au droit escrit, qui admet la deposition de ceux qui sont autrement reprochables, lors que le delict est commis de nuict".

¹² Pierre de Lancre, *On the Inconstancy of Witches*, ed. and trans. Harriet Stone and Gerhild Scholz Williams, 131 (Tempe: Arizona Center for Medieval and Renaissance Studies, 2006).

¹³ "As for the hour, he chooses and takes for his the time when the blackest curtains of the night are drawn. This is during the darkest of all hours, which is the hour of midnight, when we lie in the deepest shadows" (de Lancre, *On the Inconstancy of Witches*, 91). Cf. Pierre le Loyer's observation, that the Prince of Darkness moves amongst people at night when the shadows hide his shadow: *Discours des spectres, ou Visions et apparitions d'esprits* (Paris: Nicolas Buon, 1608), 357.

possible to see darkness given that vision requires the medium of light. From this paradox he arrived at the hypothesis that there must exist an extra awareness made possible by what he termed a "common sense" over and above the five senses. It is this common sense that allows us to perceive darkness. HI cannot, however, *pierce* the darkness. This was indeed the fundamental challenge faced by demonologists, who could not claim to be able to *see* the witches' nocturnal sabbat. Nevertheless, as we shall see, Theophrastus played a key role in their claims to be able to unravel the mysteries of witchcraft using empirical evidence.

In the Preface to the Démonomanie des sorciers, Bodin evokes Theophrastus's notion of the "common sense" in order to answer those who challenged demonologists' claims to be able to use the senses in order to discover the truth: "One must therefore abide by the opinion of Theophrastus, who had recourse to common sense, which is the mean between the five senses and intellect, and measure whatever one will have seen, heard, tasted, or felt against the touchstone of reason". ¹⁵ Invoking Theophrastus's notion of an extra awareness, "sens commun," as a mean enabled Bodin to bring effectively into play, even in relation to such unpromising material as the obscure activities of witches, what was to him the vital factor in analysis: reason.¹⁶ Thereby the demonologist brushes aside objections based on the unreliability of the senses—objections which had notably been voiced by Johann Weyer who sought to discredit the claims of realist demonology by cataloguing the innumerable illusions, hallucinations, dreams, and deceptions which, he argues in De praestigiis daemonum, have led men to prosecute delusional but harmless women in the name of witchcraft.

Bodin also found in Theophrastus a strategic way out of the impasse of Greek scepticism, which challenged the possibility of arriving at certain knowledge through the senses.¹⁷ Henri Estienne's 1562 translation of

¹⁴ Thomas Aquinas, *Commentaries on Aristotle's "On sense and What is Sensed" and "On Memory and Recollection,"* trans. and ed. Kevin White and Edward M. Macierowski, 131 (Washington: The Catholic University of America Press, 2005).

^{15 &}quot;Il fault donc s'arrester à l'opinion de Theophraste, qui a recours au sens commun, qui est moyen entre les sens & l'intellect, & rapporter à la raison comme à la pierre de touche ce qu'on aura veu, ouy, gousté, senty" (Bodin, *Démonomanie*, "Préface," sig. ī ij; my translation.

¹⁶ For fuller discussion of 'analysis' in Bodin's methodology, see above, p. 52 sqq.

¹⁷ As Rebecca Wilkin observes, "Theophrastus' cautious ratification of sense experience in *De Sensibus* enjoyed widespread approval among a generation drawn to empirical arguments yet familiar with skeptical ones": *Women, Imagination and the Search for Truth in Early Modern France* (Aldershot: Ashgate, 2008), 88.

Sextus Empiricus into Latin (the Esquisses Pyrrhoniennes) changed the terms of debate for Bodin's generation. It was simply no longer possible to have blind faith in sense perception. For demonologists, Pyrrhonism posed a particularly daunting challenge. French demonologists of the realist school (Bodin, Boguet, De Lancre, Le Lover, and Rémy) practised precisely the kind of dogmatic philosophy that was the target of Pyrrhonism. They claimed to have discovered the truth, to know beyond the shadow of a doubt that witchcraft was real, and to be able to identify actual witches based on evidence gained through sense experience, albeit—as Bodin argued—processed by reason. Pyrrhonist thinking threatened the integrity of the demonological edifice precisely because it undermined their claims to possess tangible proof of the existence of contemporary witchcraft—proof which, it seemed, could be ascertained through recourse to the senses. How could demonologists claim to be able to state without doubt "this one is a witch" if the senses are prone to errors of all kind, asks Montaigne in his sceptical critique of demonology in his essay "On Cripples (Des boyteux)"?18 "So much uncertainty there is in all things", he writes; "so gross, obscure, and obtuse is our perception!"19 Our senses cannot lead us out of the darkness of the unknown, observes Montaigne, given that they themselves are "obscure" (from the Latin, obscurus, "dark").

Against Pyrrhonists such as Montaigne and illusionists such as Weyer, realist demonologists thus claimed to be able to arrive at certain knowledge by means of evidence necessarily accumulated in the first instance through the senses, despite their fallibility. Vision could not, however, penetrate the darkness. The other senses were thus called upon where sight failed. Sense of touch, for instance, was invoked to guarantee the reality of demons' physical presence in the world, as Walter Stephens has argued. Sense of smell, too, was perceived to be a potentially reliable way of recognizing the demonic, since the devil was believed to leave behind a foul odour, according to some demonologists. "Good angels always leave

¹⁸ Michel de Montaigne, *Les Essais*, ed. Pierre Villey and V.-L. Saulnier, III.xi: 1031 (Paris: Presses Universitaires de France, 1965).

¹⁹ "Tant il y a d'incertitude par tout, tant nostre apercevance est grossiere, *obscure* et obtuse": *Essais* (1965), III, xi: 1026 (emphasis added); translation from Donald Frame *The Complete Essays of Montaigne* (Stanford: Stanford University Press, 1958), 784.

²⁰ Stephens shows how witches were deemed to be "expert witnesses" to the very real physical interactions demons had with humans because they claimed to have experienced sexual intercourse with demons. Invoking the certainty of sense of touch, they described the devil's semen as icy cold. *Demon Lovers: Witchcraft, Sex, and the Crisis of Belief* (Chicago: University of Chicago Press, 2002), 19, 84–85 and 101.

behind a very pleasant odour, as opposed to the bad ones, which always leave behind an exceptionally horrible smell", observed De Lancre.²¹ But it was ultimately hearing that provided the primary channel demonologists hoped to open into the unseen demonic world.

In its privileging of hearing, demonology seems to represent something of an exception among late Renaissance sciences which, generally, were dominated by a rising ocularcentrism. Tom Conley's *An Errant Eye* explores the creative scope of the early modern gaze while Stuart Clark's *Vanities of the Eye* amply documents the early modern tendency to give precedence to sight, not only the noblest sense, but also the first in the order of knowing.²² This was the era of autopsy (seeing for oneself), a time that privileged direct observation. It was also this period that witnessed the invention of the telescope,²³ the emergence of the eyewitness,²⁴ the discovery of linear perspective.

And yet, even as vision was rising to prominence in the early modern sciences, there remained some things that could not be seen. Lucien Febvre has suggested that in the sixteenth century the other senses (smell, touch, taste, and hearing) were more vigorous, more fully developed, than our own which appear atrophied in comparison.²⁵ The early modern category of 'observation' seems, moreover, to have included the other senses. For instance, even as Paracelsus demanded that the practice of medicine be based on observation, he encouraged practitioners to rely on their sense of hearing and smell in the course of a medical examination.²⁶ As for demonology, while elsewhere vision was gaining ground, the early modern science of demons privileged audition by necessity for two reasons. First, audition dealt with the realm of unseen things. Charting a course into the elusive world of demons, early modern demonologists could not claim to have *seen* with their own two eyes the activities of

²¹ "Les bons Anges laissent tousjours une tres-bonne et souefve odeur. Au contraire les mauvais laissent une puanteur merveilleuse": *Tableau de l'inconstance des mauvais anges et demons*, 373; English translation, *On the Inconstancy of Witches*, ed. and trans. Stone and Williams, 384.

²² Tom Conley, *An Errant Eye: Poetry and Topography in Early Modern France* (Minneapolis: University of Minnesota Press, 2011); Stuart Clark, *Vanities of the Eye: Vision in Early Modern European Culture* (Oxford: Oxford University Press, 2007), 9.

²³ Exemplified by Galileo's *lunette*, from the early seventeenth century.

²⁴ Andrea Frisch, *The Invention of the Eyewitness: Witnessing and Testimony in Early Modern France* (Chapel Hill: University of North Carolina Press, 2004).

²⁵ Lucien Febvre, Le Problème de l'incroyance au XVI^e siècle: la religion de Rabelais (Paris: Éditions Albin Michel, 2003), 394.

²⁶ Febvre, Le Problème 398.

demons and their earthly agents. As Bodin observes: "the assemblies, and other wickedness... cannot be learned except by their confession or from their accomplices".²⁷ The second reason for demonologists' reliance on audition is to be found in the deeply rooted conviction during this period that hearing was the most spiritual sense. It was hearing, rather than vision, that had provided "an avenue of religious instruction" throughout the Christian era, hearing rather than seeing that granted privileged access to the sacred. Hearing was, in Stuart Clark's telling phrase, the "sense of faith."²⁸ Thus, early modern demonologists' reliance on audition is no eccentricity. They are typical of a period keenly aware of the aural conduits into the realm of spiritual truths.

The work of Jean Bodin is emblematic of the importance accorded to vision in natural philosophy as well as to its limits when it came to the domain of demonological truths. In his encyclopedic work of natural philosophy, the *Universae naturae theatrum* (*Theatre of Nature*), he published at the end of his life a compendium of knowledge about the natural world which he believed to be infused with divine intention. The *Theatrum* contains a method of discovery suited to natural philosophy. Vision offers the best method available in pursuit of this kind of knowledge, as he explains in the following passage:

... and we should examine the treasures of the singular things of nature in the air, the water, the earth, and under the earth, nor should we follow our ears as much as our eyes. Indeed we see that some have not written as accurately as they should have about nature, because they had no experience of singular things.²⁹

Bodin here advocates the sense of sight above both hearing and reading, recalling the period's familiar hierarchy of methods of discovery. Shared by natural philosophy with other early modern disciplines such as cosmography, the hierarchy specified in order *visa*, *audita*, *lecta*—things that are seen, heard, or read—giving precedence to visual observation as the best means of discovery, with hearing (or hearsay) as second best, and with reading ranked a distant third.

 $^{^{27}}$ "On ne peut *sçavoir* que par leur confession ou de leurs complices": Bodin, *Démonomanie*, fo 183 (emphasis added); translation from Scott, *On the Demon-mania of Witches*, 193.

²⁸ Clark Vanities of the Eye, 21.

²⁹ Quoted and trans. by Ann Blair, *The Theater of Nature: Jean Bodin and Renaissance Science* (Princeton: Princeton University Press, 1997), 99.

In contrast, when it came to his demonological endeavours it was hearing that gained priority. While Bodin may have endorsed the sense of sight as the royal path to knowledge in the *Theatrum*, his *Démonomanie* reveals its limits through an initial litany of examples showing how unreliable the sense of sight can be. The eyes, he announces in the preface, are "false witnesses". For instance, when we look at the sun it seems to be only a few feet in diameter whereas in reality it is "one-hundred and sixty-six times larger than the Earth". And when we put a stick in the water, it looks as if it were bent.³⁰ The lesson of these opening examples amounts to an oblique assault on ocularcentrism. In Book IV of the work, we are emphatically advised that the surest path to the truth about demons is indeed furnished by hearing. "[H]earing is not less, but much more certain than seeing", concludes the demonologist, who goes on to observe that it is "indeed all the more certain since hearing can be deceived less than seeing which is often mistaken". 31 In dealing with the largely visible world of natural philosophy, vision may indeed be the best method of discovery, he suggests in the *Theatrum*. However, when it comes to the hidden realm of covert operations by demons and their earthly agents, a world in which the devil covers himself with the cloak of darkness and produces simulacra to deceive us, it is instead *hearing* that offers the most reliable method of discovery, he maintains in the Démonomanie.

And so demonologists *listened* to witches. Sometimes they compared what they heard to what they could read—first and foremost Scripture, but also the writings of medieval theologians who had striven to uncover the devil's hidden machinations. More rarely they compared heard evidence to what they could see, such as the notorious devil's mark, a rare example of would-be visual proof of his hold on a person. Even in the case of the mark, however, vision was ultimately of little help in identifying the witch. In the first place, the devil's mark proved elusive, moving from place to place or simply disappearing. Moreover, if the mark represented an attempt to ground demonological truths in *visibility*, specialists relied

 $^{^{30}}$ "D'autant que le sens, qui est le plus clair, & le plus agu de tous les sens, est la veuë, & neantmoins que les yeux sont faux tesmoins, comme disoit le bon Heraclite, nous monstrant le Soleil d'un ou deux pieds de grandeur, qui est cent & soixante & six fois plus grand que la terre, & font voir en l'eau les choses beaucoup plus grandes qu'elles ne sont, & les bastons tortus qui sont droicts": Bodin, $D\acute{e}monomanie$ (1580), "Préface," sig. $\bar{1}$ vo.

³¹ "Aussi peut on mettre pour exemple d'un faict evidant, si la Sorciere parle au Diable, et que le Diable ores qu'il soit invisible luy responde: Car l'ouye n'est pas moins ains beaucoup plus certaine que la veuë, et d'autant plus certaine que l'ouyë peut estre moins abuzée que la veuë, qui s'abuse souvent": *Démonomanie* (1580), fo. 174.

on their sense of hearing as much as sight to identify its location. As different places on the witch's body were poked with a needle, she cried out in pain. It was ultimately these cries, rather than any visible traces, that were the key to the procedure, for specialists searched her body for an insensitive area—a place where the poking seemed to cause no pain, generated no cries. Thus, rather than trust to the sense of sight, specialists in identifying the mark *listened* for the witch's cries and damning silence, the true sign that the devil claimed her as one of his own.

Above all, demonologists pondered what they were told about witchcraft, since knowledge about this realm was believed to be transmitted through the spoken word—demono-logos. And so, for their published works they gathered together fragments from the testimony of witches' associates and from confession. The witches' own words (or those of her accomplices) provided their only way into the mysteries of the sabbat.³² Scholars have not taken full account of this extraordinary feature of demonological works. These works collect, order, and comment upon witches' confessions, making the demonologist in one sense a kind of editor of a strange, new—indeed, constantly expanding—corpus. Demonologists themselves proved acutely aware of this rather singular vocation. For instance, Nicolas Rémy presents his *Démonolâtrie* as the fruit of his vears spent in prosecuting witchcraft in the duchy of Lorraine, explaining that its contents were drawn exclusively from the legal dossier of the trials themselves: "five years ago, I began to work on each of the interrogations to which the suspects had been subjected in order to cull all the elements in each case that could add precision and detail to the judicial dossier".³³ Using such documents as his source material, he concludes that these "true accounts" with their precise mention of "objects, people, places, and circumstances" will prove "more captivating than works of fiction" as well as more "useful". 34 Henry Boguet delineates his method along very similar lines in the preface to his Discours exécrable, explaining how "to better

 $^{^{32}}$ "...on ne peut sçavoir que par leur confession ou de leurs complices": Bodin, $D\'{e}monomanie$ (1580), fo. 183.

³³ "Mais j'ai commencé, il y a de cela cinq ans, à relever et à transcrire, à partir de chacun des interrogatoires auxquels étaient soumis les accusés, ce qui, cas par cas, pouvait correspondre et se rapporter à ces différentes précisions et, en outre, à compulser les notes que j'avais laissées de côté les années précédentes, afin de compléter avec plus d'éléments ce fonds de preuves": Nicolas Rémi, *La Démonolâtrie*, trans. and ed. Jean Boës, 8 (Nancy: Presses Universitaires de Nancy, 1998); my rendering abbreviates Boës' text.

³⁴ "la mention précise et claire des objets, des personnes, des lieux et des circonstances"; "N'a-t-on pas l'impression que les récits véridiques sont plus captivants que les oeuvres de fiction et d'imagination? Et ne considère-t-on pas que le public accorde plus facilement

make this apparent, I constructed the following discourse based on the trials of a number of witches over which I myself presided two years ago. I observed, *listened* [my emphasis], and probed them as carefully as I could in order to draw the truth out of them". 35 Pierre de Lancre composed his treatise of over six hundred pages on witchcraft almost entirely out of what he had heard in the course of his investigation of Basque witchcraft. This at least was his intention, since he wished to keep at bay bookish knowledge in order to listen more carefully to what he heard witches say: "Thus I believe that it will be more appropriate for me to limit myself to showing the public just the witches' confessions and the testimonies of witnesses who go to the sabbat every day".36 His Tableau unfolds as a series of so many variants of "she said," "she confessed," "I heard," and "let's listen to what the witches say." He deliberately left these markers of indirect discourse in his text to give a documentary weight to his work, taken, as it were, straight from the witches' mouths. De Lancre saw himself as kind of ethnographer of the unseen world of demonic rituals in Labourd, a land far removed from civilization as he perceived it.

Let us turn now to Jean Bodin. He claims to have been moved to put pen to paper by the confession of one witch, Jeanne Harvillier, who serves as the star witness to the reality of witchcraft in the *Démonomanie*.³⁷ It seems unlikely that Bodin ever presided over a trial for witchcraft, and so unlike his successors, he could not draw on a legal dossier from his own experience as a prosecutor. Instead, he cultivated a network of judges working in France's lower courts with whom he apparently had significant exchanges ranging from informal conversation, as with "Maistre Adam Martin Procureur au siege de Laon" who "m'a dict avoir fait le procés à la

son temps aux sujets qui, en plus de l'agrément, ajoutent une promesse d'utilité?": Boës, Démonolâtrie, 8.

³⁵ "Mais pour le mieux faire voir, j'ay dressé le discours suyvant sur quelques procez, que j'ay moy-mesme faict dez deux ans en ça à plusieurs sorciers, lesquels j'ay veu, ouy, & sondé le plus exactement, qu'il m'a esté possible pour tirer la verité d'eux": Boguet, *Discours exécrable des Sorciers*, "Preface," sig. A iiij.

³⁶ "Ainsi je-croy qu'il sera mieux à propos, que je me contente de faire voir au public les simples confessions des Sorciers, & les depositions des tesmoins qui vont tous les jours au Sabbat": De Lancre, *Tableau de l'inconstance des mauvais anges* (1612), sig.ē iij; translation from *On the Inconstancy of Witches*, eds. Stone and Williams, 3.

³⁷ "Le jugement qui a esté conclud contre une Sorciere auquel je fus appellé le dernier jour d'Avril mil cinq cens septante & huict, m'a donné occasion de mettre la main à la plume pour esclarcir le subject des Sorciers qui semble à toutes personnes estrange à merveilles, & à plusieurs incroyable. La Sorciere que j'ay dict s'appelloit Jeanne Harvillier, natifve de Verbery prés Compiegne…": Bodin, *Démonomanie* (1580), "Préface," sig. ā iij vo.

Sorciere de Bievre",³⁸ to professional correspondence, and even to more formal consultations, as in the case of the trial of Jeanne Harvillier, for which Bodin was apparently called to serve as a consultant to the prosecution. In a number of instances, he notes that colleagues sent him the trial proceedings.³⁹ The new Preface added to the 1587 edition is drawn from the trial documents one of his colleagues sent him. The confessions he gathers together come from recent trials as well as fragments or allusions he found in earlier treatises. Also included in Bodin's category of 'witches' confessions' are literary works from antiquity written in the first person, such as Apuleius's *The Golden Ass*. Bodin takes the first person literally, presenting Apuleius's satirical and imaginative work as yet another witch's confession, albeit embellished with some entertaining stories.⁴⁰ He thus sets about assembling—in essence, anthologizing—the material from witches' confessions writ large.⁴¹

What textual principles and methods did Jean Bodin apply to edit, comment, and gloss witches' confessions—a non-conventional corpus, for all their interest to contemporary demonologists? In fact, he handled these narratives much as he would any other text. In so doing, he mobilized approved scholarly practices of the time including the use of authorities and parallel passages. Renaissance humanism invented modern textual scholarship, and demonologists applied some of these very principles to witches' confessions, which they processed in their treatises not as ephemeral spoken words, but as texts belonging to a larger corpus.

In the first place, the demonologist respected a time-honoured tradition by reading the strange stories told in trials in conjunction with acknowledged authorities—sacred texts, the writings of the church fathers, ancient philosophy and history. In affirming the reality of witches' capacity for airborne flight, for instance, Bodin summarizes his evidence as a hierarchy: "Now we have shown by divine and human authorities, and

³⁸ Démonomanie (1580), fo. 108.

³⁹ For instance, "comme j'ay recuilly du procés qui m'a esté apporté par maistre Claude de Fay procureur du roy à Ribemont": *Démonomanie* (1580), fo. 245 [recte 248].

^{40 &}quot;... qui seroit bien pour confirmer, ce qui est escript en Lucian et Apulée atheistes changés en asnes, et qui ont escript comment cela leur advint par les Sorcieres de Larisse qu'ils estoyent alle voir, pour essayer, s'il estoit vray. Or l'un et l'autre fut accusé d'Atheisme et de Sorcelerie. Et mesmes Apulée à faict ce qu'il a peu en son Apologie, pour ce laver de ceste accusation de Sorcier et empoisonneur.... Il se peult faire, qu'il a enrichy son histoire de quelques contes plaisans: mais l'histoire en soi n'est pas plus estrange, que celles que nous avons remarquées": Démonomanie (1580), fos. 100 vo-101.

⁴¹ For his use of material derived from the work of his *bête noire* Johann Weyer, see Chapter 5 in this volume.

by the proof of all antiquity, and by divine and human laws, experience, judgments, convictions, confrontations and confessions, the transport of witches".⁴² And in support of the idea that witches are unable to shed a tear—a condition "confirmed by experience"—he invokes the authority of two inquisitors, Paolo Grillando and Jacques Sprenger, who "state that they were never able to make a single witch cry".⁴³ Cross-referencing to other demonological treatises was by Bodin's time a common strategy.⁴⁴

In addition to the use of authorities, the demonologist applied the technique of parallel passages to elucidate confessions. Borrowed from Biblical exegesis, this method was based on the principle that obscure passages of Scripture can be elucidated by using clearer passages. Augustine formulated this exegetical principle in *De doctrina Christiana* in a section of Book 2 devoted to obscurity and ambiguity. His discussion concludes with the following pronouncement, which was to have a long history:45 "Hardly anything may be found in these obscure places which is not found plainly said elsewhere". 46 Following this logic, the judicial confessions extracted during trials were studied as a veritable corpus, with demonologists elucidating more obscure passages in the light of clearer passages. Bodin states this principle succinctly: "Now to confirm the proof of witches' confessions, one must link them with the confessions of other witches". 47 In this way, raw data generated by new confessions were confirmed by pre-existing confessions. One passage shows Bodin applying this method to establish the hereditary dimension of witchcraft, believed to pass from parent to child. He invokes Jeanne Harvillier (a convicted witch), whose daughter fled upon learning that her mother had been

⁴² "Or nous avons monstré par auctoritez divines & humaines, & par la preuve de toute l'antiquité, & par les loix divines & humaines, experience, iugments, convictions, confrontations & confessions, le transport des Sorciers": Bodin, *Démonomanie* (1580), fo. 183 vo; English translation from *On the Demon-mania*, trans. Scott, 193.

⁴³ "Paul Grilland & Spranger Inquisiteurs dissent qu'ils n'ont iamais sçeu faire pleurer un seul Sorcier": Bodin, *Démonomanie* (1580), fo. 170; English trans. from *On the Demonmania*, trans. Scott, 178.

⁴⁴ See my "Confessional Fictions and Demonology in Renaissance France," *Journal of Medieval and Early Modern Studies*, 35: 1 (2005): 334–6.

⁴⁵ For a general discussion of the legacy of Augustine's exegetical principle, see Antoine Compagnon, *Le Démon de la théorie* (Paris: Seuil, 1998), 71.

⁴⁶ "Nihil enim fere de illis obscuritatibus eruitur, quod non planissime dictum alibi reperiatur": *De doctrina Christiana* II, vi, 40; trans. D. W. Robertson, *On Christian Doctrine* (New York: Macmillan Publishing Company, 1958), 37.

⁴⁷ "Or pour conforter la preuue des confessions des Sorciers, il faut les rapporter à la confession des autres Sorciers": Bodin, *Démonomanie* (1580), fo. 184 vo; English trans. from *On the Demon-mania*, trans. Scott, 194.

indicted for witchcraft. This case appears unclear: how could one know for sure whether Jeanne's daughter was a witch if she had disappeared without trace? The obscurity of this case is dispelled by a second 'parallel passage' in the form of another case: the daughters of Barbe Doré who also fled when their mother was arrested. In this second instance, however, an associate later testified that everyone in the family was a witch. For Bodin, the clarity of the second passage dispels the ambiguity of the first. The demonologist can thus apply the same reasoning to all cases: because witchcraft is hereditary, when the daughters of witches flee upon learning that their mothers have been accused this flight shows that they, too, are witches.⁴⁸

Finally, demonologists had recourse to an additional strategy more closely linked to the nature of witches' confessions—perceived as bizarre narratives by Renaissance standards no less than those of today. The problem of the implausibility of witches' confessions was a substantial obstacle to the realist hypothesis which depended on a literal reading of witches' often outlandish confessions. Sceptics, naturalists, and illusionists across the board were drawing attention to the implausibility and sheer strangeness of so-called witches' accounts of the sabbat. In France, where criminal justice was based on the inquisitorial procedure, the plausibility argument *per se* did not carry legal weight. Judicial procedure was not based on the balance of probabilities as determined by a jury as it was in England.⁴⁹ Thus, on the continent, for a confession to serve as proof of guilt, it did not have to be plausible. Still, the implausibility of witches' confessions was a problem for realist demonologists advocating stepped-up prosecution, a problem confronted head-on by Jean Bodin, who acknowledged

⁴⁸ "Et de faict la fille de Jeanne Harvillier voyant sa mere prisonniere s'en fuit, & depuis on sçeut qu'elle en estoit aussi: & les filles de Barbe Doré aussi tost que leur mere fut prise pour les Sorcelleries, s'en fuirent, sans estre accusees ny recherchees, & depuis l'un des Sorciers familier de ladicte Doré deposa que toute la race en estoit. (And indeed, when Jeanne Harvillier's daughter saw that her mother was imprisoned, she fled, and since then it was learned that she was also one [a witch]: And upon learning that their mother was indicted for acts of witchcraft, the daughters of Barbe Doré fled, without being either accused or pursued, and since then one of the Witches who was familiar with the said Doré testified that the whole family were witches)": *Démonomanie* (1580), fo. 169 vo (my translation).

⁴⁹ In witchcraft trials in early modern England, narratives deemed improbable were often dismissed as inadmissible. The notorious witchfinder Matthew Hopkins insisted for instance that he "utterly denye[d] that confession of a Witch, when she confesseth any improbability, or impossibility as flying in the ayre, riding on a broom, etc": quoted by Frances Dolan, "Ridiculous Fictions: Making Distinctions in the Discourse of Witchcraft," *Différences: a Journal of Feminist Cultural Studies*, 7: 2 (1995): 91.

that judges were often hesitant to condemn witches who confessed to such implausible crimes. "Often judges are puzzled by the confessions of witches and are reluctant to base a sentence on them, given the strange things that they confess, because some think that they are telling fables", he observes. ⁵⁰ Bodin dedicated the *Démonomanie* to the *président* of the Parlement of Paris (Christofle de Thou), hoping to stem the rising tide of scepticism in the highest court in France by demonstrating the reality of satanic witchcraft and the criminality of those who practised it. ⁵¹ If he hoped to sway skeptically-inclined judges at the highest echelons of the profession, he had to address the strangeness of witches' confessions. His solution was to draw a firm line between physics and metaphysics, arguing that possibility has no place in matters of metaphysics:

Thus when one asserts that a confession to be believable must report something which is possible and true; and that it cannot be true unless it is possible; and nothing is possible in law except what is possible by nature: it is a sophistic and specious argument—and nevertheless its assumption is false. For the great works and marvels of God are impossible by nature, and nonetheless true. The actions, moreover, of intelligences and everything that pertains to Metaphysics is [sic] impossible by nature, which is the reason why Metaphysics is entirely distinct and different from Physics. 52

⁵⁰ "Souvent les Juges se trouvent empeschez sur les confessions des Sorcieres, et font difficulté d'y asseoir jugement, veu les choses estranges qu'elles confessent, parce que les uns cuident que ce soyent fables de ce qu'elles disent: les autres craignent que telles personnes desesperees ne cherchent que à mourir": Bodin, *Démonomanie* (1580), fo. 180 vo.

⁵¹ Bodin's fears that these judges were "reluctant" to condemn witches were well justified. Robert Mandrou and Alfred Soman have documented efforts to decriminalize witchcraft in the highest court in France. See Robert Mandrou, *Magistrats et sorciers en France au XVIIe Siècle: une analyse de psychologie historique* (Paris: Plon, 1968). See also the following by Alfred Soman: "Decriminalizing Witchcraft: Does the French Experience furnish a European Model?" *Criminal Justice History*, 10 (1989): 1–22; "La Décriminalisation de la sorcellerie en France," *Histoire, économie et société* (1985): 179–203; "Les Procès de sorcellerie au Parlement de Paris (1565–1640)," *Annales: Économies, Sociétés, Civilisations* 32 (1977): 780–814. All three papers are reprinted in Soman, *Sorcellerie et justice criminelle: le Parlement de Paris* (16e-18e siècles) (Aldershot: Ashgate, 1992).

^{52 &}quot;Et par ainsi quand on dit que la confession pour y adiouster foy doibt porter chose qui soit possible & veritable: & qu'elle ne peut ester veritable si elle n'est possible: & que rien n'est possible de droict que ce qui est possible par nature. C'est un argument Sophistic & captieux: & neantmoins l'assomption d'iceluy est faulce. Car les grandes oeuvres & merveilles de Dieu sont impossible par nature, & toutefois veritables: & les actions des intelligences & tout ce qui est de la Metaphysique est impossible par nature, qui est la cause pourquoy la Metaphysique est du tout distincte & differente de la Physique": Bodin, Démonomanie (1580), fos. 183 vo–184; English trans. from On the Demon-mania, trans. Scott, p. 193.

Bodin carries this approach one step farther, inverting the logic of plausibility. When it comes to witchcraft and other metaphysical matters, the truth is always stranger than fiction, he reasons. The stranger the confession seems, the truer it must be, the more it reveals hidden metaphysical truths. The principle informing Bodin's justification here functions as a kind of *lectio difficilior—avant la lettre*, certainly, for the principle was not explicitly formulated until the nineteenth century. Lectio difficilior refers to a principle used in textual criticism when there are conflicting variants. It serves to distinguish the correct variant from scribal error following a counter-intuitive logic: when such conflicting variants occur, the strangest variant—the variant that is the least familiar, the most 'difficult'—is assumed to be the correct one, since scribal error tends to substitute the familiar for the unfamiliar. Implicit in Bodin's advocacy was an embryonic ancestor of lectio difficilior insofar as he assumed that the least familiar contents in a witch's confession, the parts that were the least 'human and possible' were precisely the parts that revealed metaphysical truths. Bodin does not seek to reconcile witches' confessions with what seems 'natural' or 'plausible' to his contemporaries, but rather to locate in their very strangeness a window into metaphysics.

The demonologist thus mobilized a broad range of techniques, from the use of authorities and parallel passages to the logic of lectio difficilior. Conspicuously absent from the methods applied to confession, however, was Renaissance hermeneutics' tried and true method for seeking hidden truth: allegorical interpretation. The so-called artificum occultandi consisted in looking for the 'deeper' meaning hidden inside a fable, a meaning that could be uncovered with great difficulty and only by an intellectual élite.53 As Rebecca Wilkin has argued, the difficulty of extracting confession from witches was equivalent to the difficulty of accessing allegorical meanings, allegory being an arduous quest.⁵⁴ However, once extracted, confession was mostly interpreted literally by proponents of the realist school of demonology. A witch was not, in other words, believed to speak in allegories or parables. She might utter lies or recount dreams, but these lies and dreams were never 'fables' in a hermeneutic sense. In so far as she spoke the truth, it was the literal truth with no ornamentation and no hidden meanings. The witch did not utter oracles and the demonologist

⁵³ See Teresa Chevrolet, L'Idée de fable: théories de la fiction poétique à la Renaissance (Geneva: Droz, 2007), 49.

⁵⁴ Wilkin, Women, Imagination and the Search for Truth, 80.

did not see through a glass darkly. When it came to confession, realist demonologists were unwavering literalists: they believed that once a confession was extracted, it related in a straightforward fashion what happened at night at the sabbat. This is not to say that demonologists were foreign to Neoplatonic hermeneutics or to medieval Christian or Jewish exegesis.55 Jean Bodin enlisted all of these in his erudite demonological endeavors. He did not, however, apply them directly to a given confession. If Jeanne Harvillier said that she had sexual intercourse with the devil who appeared to her in the form of a tall dark man, the demonologist did not interpret her words as an allegory for the moral consequences of female concupiscence. Moreover, he fiercely opposed those such as Johann Weyer who suggested that the stories witches told were drawn from dreams rather than actual events. For early modern demonologists of the realist school, the true meaning of the witches' sabbat was not buried deep within a fable or hidden under a veil. The truth was out there in the night. They shared the conviction of Joseph Conrad's narrator in *The Heart of Darkness*: "to him the meaning of an episode was not inside like a kernel, but outside in the unseen".56

For Jean Bodin, relying on trial documents and in particular confessions was not without risks. More than his successors, he struggled with the pragmatic difficulties inherent in making himself, in effect, the self-appointed editor of the words and deeds of witches. On numerous occasions he censored part of his documentation, afraid that it would be put to the wrong use by witches themselves who, he assumed, must constitute part of his readership. Hence his editorial decision to censor specific spells or invocations. Whenever he did so, he used the same phrase to indicate his elision: "which I will not include (*que je ne mettray point*)". Witches use certain characters, which I will not include; their charms have certain ingredients, which I will not include; they say certain words, which I will

 $^{^{55}\,}$ On Bodin's hermeneutics, see Wilkin, Women, Imagination and the Search for Truth, especially 74–94.

This is the wording in an early version of *The Heart of Darkness*. Conrad later rewrote this passage, deleting "in the unseen." Editions have retained the final version which reads: "To him the meaning of an episode was not inside like a kernel, but outside, enveloping the tale which brought it out only as a glow brings out a haze, in the likeness of one of these misty halos that, sometimes, are made visible by the spectral illumination of moonshine." See Marion Michael and Wilkes Berry, "The Typescript of 'The Heart of Darkness,'" *Joseph Conrad's Heart of Darkness: A Casebook*, ed. Gene M. Moore, 156 (Oxford: Oxford University Press, 2004).

not include... In the new Preface added to the 1587 edition, Bodin made use of another strategy by simply leaving blank the spaces for these mysterious charms and spells. By leaving these white spots on the printed page, he hoped to frustrate the designs of readers of bad faith, those attempting to use his *Démonomanie* as a practical manual, not for detecting and prosecuting witches, but rather for practising witchcraft.⁵⁷ Nevertheless, Bodin collected and published fragments from trial documents—and in particular confessions—despite his reticence and even his nervousness about their possible reception. He did so, ultimately, because his fear of the wrong reception was outweighed by his desire to work through the problem by way of texts, carefully processed: commented, explained, presented, and anthologized. These confessions "drawn from the witch's mouth", interpreted literally and handled with care, remained his only means of access to the mysteries of the nocturnal sabbat and the unseen world of witchcraft.

 $^{^{57}}$ However implausible it may seem today, this fear was apparently justified. Marginal annotation on a 1582 edition of the $D\acute{e}monomanie$ in the Lilly Library of the University of Indiana suggests that it was indeed read and studied as a manual of natural magic. This reader underlined passages treating the use of magic in the search for treasure. To be sure, nothing suggests the reader conformed to Bodin's stereotype of the witch (who having signed a pact with the devil was allegedly seeking the universal destruction of humanity). Nevertheless, we know that Bodin rejected the distinction between natural magic and satanic witchcraft since for him the Magus systematically fell into the devil's nets.

CHAPTER FIVE

BODIN'S RECEPTION OF JOHANN WEYER IN DE LA DÉMONOMANIE DES SORCIERS

Christian Martin

As a practising physician, Johann Weyer (1515-1588) was an unlikely demonologist for his time. After medical studies in France (first at the University of Paris and then at the University of Orléans where he received his degree in 1537), Weyer enjoyed an illustrious career. In Orléans, he was employed by Natalis Remard, physician to Francis I and his sister, Marguerite de Navarre. In 1550, he became the personal physician to Duke William of Cleves, who ruled over a court receptive to Erasmian humanism. This intellectual climate along with his extensive clinical experience go some way towards explaining the singularity of Weyer's project to both humanize witches and pathologize witchcraft, long considered to be the domain of jurists and theologians, but not physicians.² His magnum opus, De praestigiis daemonum et incantationibus et veneficiis, would indeed change the terms of witchcraft debate, shifting attention away from a judicial and theological terrain by placing the phenomenon described by contemporaries as 'witchcraft' in a clinical context and interpreting the extravagant claims made by would-be 'witches' as symptoms of the illness from which they suffered. The opinions which Weyer first professed in his De praestigiis daemonum (1563) and then reiterated in De lamiis (1577),

While at the University of Paris, Weyer studied with Jean Fernel, considered to be the founder of physiology and pathology: Weyer, *De praestigiis daemonum*, ed. Mora *et al.*, "Introduction." XXXIV.

¹ George Mora, Benjamin Kohl, John Shea, eds., Witches, Devils, and Doctors in the Renaissance, Johann Weyer, De praestigiis daemonum (Binghamton, New York: Medieval and Renaissance Texts and Studies, 1992), "Introduction", XXXV. This English edition will be the source for subsequent quotations in this chapter. The first French edition of the first five books of De praestigiis daemonum (Jacques Grévin's translation) appeared in 1567, published by Jacques Du Puys, who also published the editio princeps of Bodin's Démonomanie des sorciers in 1580. In 1579, Grévin's translation was revised and expanded by Simon Goulart de Senlis as Histoires, disputes, et discours des illusions (Geneva: Jacques Chovet, 1579), including a translation of the Sixth Book.

opened a polemic that would fuel debate in demonological circles as well as amongst skeptics for years to come.³

Scholarly assessments of Bodin's reception of Weyer's work have focused primarily on the Réfutation des opinions de Jean Wier, appended to the four books of *De la Démonomanie des sorciers* just before the work went to press.⁴ The attention which the *Réfutation* has attracted is understandable given the virulence of Bodin's tone and the nature of the dispute: are witches (lamiae, in Weyer's terminology) truly guilty of signing pacts, attending the sabbat, and carrying out acts of harmful magic? High stakes indeed for the discipline of demonology. However, the Bodin/ Weyer différend surrounding witchcraft is only part of what, I shall be arguing, is in fact a more complicated picture of Bodin's reception of Weyer. For if Bodin *explicitly* and categorically rejected Weyer's position on witchcraft (the subject of the Réfutation), he also implicitly accepted Weyer as an authority on possession, possession being one question on which Bodin and Weyer were mostly able to agree. So Bodin borrowed from *De praestigiis daemonum* detailed anecdotes concerning recent cases of possession—without, however, acknowledging Weyer as his source in most instances.⁵ Bodin's reception of Weyer is thus more ambivalent than has been previously acknowledged. This reception consists of his unspoken debt to De praestigiis daemonum for documentation of possession as well as his ad hominem attack on Weyer and refutation of his witchcraft

³ See Michaela Valente, *Johann Wier—agli albori della critica razionale dell'occulto e del demoniaco nell'Europa del Cinquecento* (Florence: L. S. Olschki, 2003); Stuart Clark, *Thinking with Demons: The Idea of Witchcraft in Early Modern Europe* (Oxford: Clarendon Press, 1997); and H. C. Erik Midelfort, *A History of Madness in Sixteenth-Century Germany* (Stanford: Stanford University Press, 1999), 171–72 and 182–227.

⁴ As Bodin explains at the beginning of the *Réfutation des opinions de Jean Wier*, appended to his *Démonomanie*: "Sur la fin de cest' œuvre, et sur le point de le mettre soubz la presse, l'Imprimeur auquel j'en avois donné la charge m'envoya un nouveau livre *de Lamiis* de Jean Vier Medecin, ou il soustient que les Sorciers, & Sorcieres ne doibvent estre punies: ce qui a differé l'impression de l'œuvre. Longtemps au paravant Vier avoit tenu ceste opinion: et sur ce qu'on luy avoit resisté sans toucher les cordes principales d'un tel suject, il auroit repliqué en telle sorte, que s'il eust eu la victoire. Qui m'a donné occasion de luy respondre non par haine: mais premierement pour l'honneur de Dieu, contre lequel il s'est armé": Bodin, *De la démonomanie des sorciers* (Paris: Jacques du Puys, 1580), fo. 218.

⁵ For his era as well as for today, Weyer is an important source for records of mass possessions in convents. As Moshe Sluhovsky observes, "most of the reported cases remained hidden in monastic chronicles and Inquisitional records and did not attract much attention at the time or since. Some, in fact, are known to us only from a single source, a list compiled by the Protestant physician Johann Weyer, in his 1568 discussion of witchcraft and demonology": Sluhovsky, *Believe not Every Spirit: Possession, Mysticism, and Discernment in Early Modern Catholicism* (Chicago: University of Chicago Press, 2007), 239.

hypothesis. Johann Weyer thus emerges as perhaps the most significant and certainly the most ambivalent contemporary authority in Bodin's *De la Démonomanie des sorciers*.

1. De praestigiis daemonum as Source Book

Johann Weyer's impressive compendium served as a key source—sometimes acknowledged, but mostly undisclosed—for a number of anecdotes used to give weight to Bodin's claim that the devil was indeed at work in the world. Bodin took a number of anecdotes from chapters 9–13 in Book IV of *De praestigiis daemonum*, which he apparently read very carefully. In some cases, he imports an anecdote from *De praestigiis daemonum* with only minor changes. For instance, the following account of demoniacs in a German convent occurs in the *Démonomanie* Bk III cap. vi:⁶

So it happened at the convent of Mount Hesse in Germany where the nuns were demoniacs; dogs were seen on their beds, lewdly assaulting those who were suspected to have made shameful use of them, and to have committed the \sin they call, the 'silent \sin '.

In IV.x of the 1577 edition of Weyer's *De praestigiis daemonum*—the edition used by Bodin—we read the following account:

Some nuns in the convent of Hessenberg at Nijmegen were beset by a demon for several years, as I have heard. He would enter their dormitory by night amidst a sort of whirlwind, and he would seem to play so sweetly upon the lyre and the cithara that the maidens might easily have been induced to dance in chorus. Then, in the form of a dog, he would leap into the bed of one of the nuns and the suspicion would fall upon her of having committed the 'silent sin,' as they call it.⁸

⁶ The notes to Randy Scott's abridged English translation identify Weyer's *De praestigiis daemonum* as Bodin's source for this anecdote; see Jean Bodin, *On the Demon-Mania of Witches*, trans. Randy Scott, ed. Jonathan Pearl (Toronto: Centre for Reformation and Renaissance Studies, 2001), 169, n. 77. Unless otherwise stated, Englished quotations will be from Scott's translation.

⁷ Bodin, *On the Demon-Mania of Witches*, 169. "...comme il advint au Monastere du Mont de Hesse en Allemaigne, que les Religieuses furent demoniaques: et voyoit on sur leurs licts des chiens, qui attentoyent impudiquement celles qui estoient suspectes d'en avoir abuzé, et commis le peché, qu'ils appellent le peché muet": *Démonomanie des sorciers* (1580), fo. 162–162vo.

⁸ Weyer, *De praestigiis daemonum*, ed. Mora *et al.*, 306. "Moniales in Hessimonte Neomagij, dæmonium aliquot annos infestasse audio, quod dormitorium noctu uelut cum turbine ingressum, testudine citharaque tam uidebatur ludere suauiter, ut ad choreas temere induci potuissent uirgines: inde canis instar in unius N. lectum insiliebat, in quam

Upon comparing the two accounts, we see that although Bodin eliminates the mention of the demon's lyre and cithara, he nevertheless follows Weyer in identifying the location (the convent in Germany) and, more importantly, the conclusion: namely, that because the demon took the form of a dog, the young women fell under suspicion of having committed "the silent sin" (bestiality). Even though Weyer's knowledge of these events was, by his own admission, based only on hearsay (*audio*), Bodin nevertheless takes Weyer to be a reliable source and arrives at the same conclusion: demon mania mistakenly identified as bestiality.

Another anecdote that Bodin borrowed from Weyer hinges on an episode of mass possession in the convent of Kentorp, the subject of De praestigiis daemonum IV.xi, which appears in two separate passages of the *Démonomanie*. As in the previous example, Bodin does not identify Weyer as his source, although there is little doubt that such is indeed the case.9 In this instance, Weyer states that he made "painstaking inquiry" into these events, relating in detail the symptoms of the possessed nuns (foul breath, convulsions, demonic voices emitted from the bodies of some of the younger nuns) and identifying as his primary source Anna von Lemgau, a "nun of good judgement who had been the first to be so severely afflicted". 10 In Weyer's account, the role played by the convent cook, Elsa von Kamen, remains ambiguous. A soothsayer consulted by some of the more seriously afflicted young women, Elsa was designated as the "witch" responsible for the stricken nuns' plight. Once arrested, Elsa confessed first to having poisoned the nuns, and then, just before her execution, to having placed a curse upon the nuns instead. Throughout this part of his account, Weyer maintains a certain reserve, neither subscribing to the belief that she was guilty of having poisoned the nuns, nor discounting it.

muti peccati, qod uocant, cadebat suspicio": Johann Weyer, *De praestigiis daemonum, & incantationibus ac veneficiis libri sex* (Basel: Johannes Oporinus, 1577), 425–6.

⁹ The notes to the English translation identify Weyer as Bodin's source for this anecdote: Bodin, *On the Demon-Mania of Witches*, 169, n. 74. See also Moshe Sluhovsky, who examines this anecdote, "recorded by Weyer... and reproduced with some variations in Bodin": Sluhovsky, *Believe not Every Spirit*, 251 and n. 61, 320.

¹⁰ Weyer, *De praestigiis daemonum*, ed. Mora *et al.*, 309. "Vt porro calamitatis huius origo et incrementum, dehinc tragicus fabulæ actus extremus, quem solum in durissimo hoc spectaculo affectauit ueteratorius ille homicida, innotescant, cautiusque alias maliciosis diaboli conatibus in raris illis horrendisque uexationibus obuia eatur,] quæ ex ore unius senioris & cordatæ uirginis, huic cœtui consecratæ, & omnium primum tam duriter afflictæ, exceperim diligenti inquisitione, paucis bona fide narrabo. Haec Anna Lemgou dicta...": Weyer, *De praestigiis daemonum, & incantationibus ac veneficiis libri sex*, 427.

When the story of Elsa von Kamen appears in the *Démonomanie*, it is in a condensed form that nevertheless remains faithful to Weyer's account, down to the foul breath of the possessed nuns ("everyone gave off a strongly stinking breath"):¹¹

As it happened in Germany, at the Kentorp convent, where the nuns were all assailed by evil spirits. They said that it was the convent's cook, named Elsa Kame, who, after confessing both that she was a witch and that by her wicked prayers [to the Devil] and sacrifices she had caused the possessions, was burnt.¹²

The anecdote appears again later in the *Démonomanie*, in a similarly condensed form, and once again without acknowledging the source.¹³

In both of the above examples, Bodin seems to take *De praestigiis daemonum* to be a reliable source, whether Weyer was reporting hearsay or the fruits of a "painstaking inquiry" he had conducted himself. In other instances, however, Bodin makes a more selective use of *De praestigiis daemonum*, borrowing the events from Weyer's account whilst altering their interpretation. In these instances, even if Weyer claims to have made his own careful inquiry into the events he relates, Bodin does not hesitate to practise silent emendation, suppressing or even negating Weyer's interpretation of those events. Such is the case with another account of possessed nuns, this one taking place at the monastery of Nazareth, in the diocese of Cologne, where a young nun named Gertrude confessed to having had a demon lover since the age of twelve. As in the previous example of possession at the Kentorp convent, Weyer's account was based on his own inquiry. This time he was part of an investigative commission charged with conducting a formal inquiry into the events:

¹¹ Bodin, On the Demon-Mania of Witches, 168.

[&]quot;Comme peut estre il advint en Almaigne au monastere de Kentorp, que les religieuses dudict monastere furent toutes assiegees des malins espritz, qui disoyent que c'estoit la cuisiniere du monastere nommée Else kame, laquelle le confessa, et qu'elle estoit sorciere, et que par meschantes prieres, et sacrifices elle avoit envoyé le diable en leurs corps, et fut bruslée" Bodin, *Démonomanie* (1580), fo. 76; my translation.

[&]quot;Mais au monastere de Kendorp au costé de Marche en Allemaigne, ou les religieuses furent vexees des malings esprits d'une façon estrange l'an M.D.LII. les Sorciers et les Dames interrogees respondirent, que c'estoit la cuisiniere du Monastere nommee Else Kame, qui le confessa, qu'elle estoit Sorciere, disant qu'elle avoit prié Sathan, et faict des Sortileges pour cest effect. Elle fut bruslee vifve avec sa mere": Bodin, *Démonomanie* (1580), fo. 161. ("At the convent of Kentorp in Germany, the nuns were troubled by evil spirits in a strange way in 1552. The witches and ladies who were questioned answered that it was the cook of the convent, named Elsa von Kamen. She confessed that she was a witch, stating that she had prayed to Satan, and cast spells for that effect. She was burned alive with her mother": Bodin, *On the Demon-Mania of Witches*, 168.)

On May 25, 1565, I conducted an investigation at this religious community in the presence of that most noble and prudent man, Master Constantin of Lyskerken, the most worthy Burgermeister Master Johann Altenanus, the former Dean at Cleves Master Johann Echt, illustrious Doctor of Medicine, and my son Heinrich, Doctor of Philosophy and Medicine.¹⁴

Weyer reported that his formal inquiry concluded that Gertrude was not a "witch", but, rather, possessed (*energumena*).¹⁵ However, in Bodin's account Gertrude's witchcraft, her demon lover, and the resulting epidemic of possessions are all presented as facts. Bodin relates this story as follows:

And in the convent of Nazareth, in the diocese of Cologne, all the nuns were besieged by demons, caused by a young witch named Gertrude who had been having sexual intercourse with a demon every night since the age of twelve. 16

Bodin's description of Gertrude as "a young witch" marks a departure from his source insofar as Weyer concluded that Gertrude was instead possessed.

With another group of borrowings, Bodin goes one step farther by re-employing an anecdote whilst negating or suppressing Weyer's gloss. Where Weyer reports instances of demonic illusion or human error but not witchcraft, Bodin uses the same examples in precisely the *opposite* sense: namely, as revealing the very *real* presence of witchcraft amongst human beings. The first example concerns the 1566 case of thirty children possessed in Amsterdam. In this instance, Weyer did not conduct an inquiry himself. Instead, he identifies a written source for the anecdote (Hadrian Nicolai, chancellor of Gelderland), and presents it in *De praestigiis*

¹⁴ "Dictam uero amasiam suo proco horrendas scripsisse literas, postea inuentas, in inquisitione a me in eodem collegio facta, Anno 1565. 25 Maij præsentibus nobilitate & prudentia clarissimo uiro, Domino CONSTANTINO a Lyskerken, consule dignissimo, D. IOANNE Altenano, decano olim Cliuen. D. IOANNE Echtio, medicinarum doctore ornatissimo, & filio meo HENRICO philosophiæ & medicinarum doctore": Weyer, De praestigiis daemonum, & incantationibus ac veneficiis libri sex, 432.

^{15 &}quot;... cognoui: eas autem ab illa ut energumena, nec mentis compote fuisse exaratas, non est quod ullus dubitet": Weyer, *De praestigiis daemonum, & incantationibus ac veneficiis libri sex*, 432. ("I learned that the nun who was the object of the demon's love had written some frightful letters (later discovered) to her suitor. But there is no reason for anyone to doubt that they had been composed by her when she was in a state of possession and not in control of her senses": Weyer, *De praestigiis daemonum*, ed. Mora *et al.*, 311.)

¹⁶ "Et au monastere de Nazareth, au diocese de Coloigne par une jeune Sorciere nommee Gertrude qui avoit accointance avec un Dæmon par chacune nuict depuis l'aage de douze ans: toutes les religieuses furent assiegees des malings esprits": Bodin, *Démonomanie* (1580), fos. 161–161vo; my translation.

daemonum in the form of an extended quotation. Although once again Bodin does not declare his source, it seems more probable that it should be Weyer than the Hadrian Nicolai text, given that we know Bodin consulted Weyer's work while there are no traces of his having had access to the chancellor of Gelderland's account. Bodin relates the case of possessed children as follows:

In 1556, in the city of Amsterdam, it happened that thirty young children were possessed and could not be saved through all the exorcisms that were conducted. It was decided that it was caused by witchcraft and spells, given that they were vomiting up pieces of lead, bits of glass, hair, needles, material, and other such things which those who are bewitched normally throw up.¹⁷

In *De praestigiis daemonum*, Weyer's account of this episode consists of a series of attempts to free the children from their suffering, each one ending in failure. First physicians were called in, as it was believed to be a case of natural disease, but they accomplished nothing. Then following accusations of witchcraft, reputed witches were called upon to undo the would-be spells: again, to no avail. Finally, the exorcists arrived on

¹⁷ "l'an M. D. LVI, il se trouva en la ville d'Amsterdam trente jeunes enfans demoniaques, qui n'ont peu estre delivrés pour tous les exorcismes qu'on y a faicts. Et fut resolu que c'estoit par sortileges et malefices, d'autant qu'ils gettoyent des ferremens, des lopins de voirre, des cheveux, des aiguilles, des drapeaux et autres choses semblables, que les personnes malades par Sortileges rendent ordinairement": Bodin, *Démonomanie* (1580), fo. 160vo; my translation.

¹⁸ "Amsterdamo, quod Hollandiæ emporium est maritimum, eiusmodi historia scripta est amplissimo uiro D. Hadriano Nicolai, apud Geldros Cancellario, decimo octauo Martij anni sexagesimisexti supra sesquimillesimum: Elapsis octo aut decem septimanis cœperunt in hac ciuitate horrendo modo torqueri pueri circiter triginta, ueluti mania aut furore subito correpti, & in terram prostrati, cum intermissione tamen, durabatque hic cruciatus horam integram uel dimidiam. Inde surgentes, nullius prorsus meminere tormenti aut rerum tum actarum, uerum se solummodo dormijsse putabant. Consulti ibi medici ob morbum creditum naturalem, nihil effecere. Postea ob maleficij suspicionem, ad eiusdem curatores itum est, qui suis deprecationibus uarijsque alijs eius amoliendi rationibus tantundem promouere. Tandem quod a dæmonio obsideri crederentur, ab exorcistis non paucis rogatum est consilium, quod ignoranter multa ingenij captum & ætatem superantia effarentur pueri. Illi primum suo more legerunt, coniurarunt, et reliquam suam armaturam aduersus dæmonum insultum usurparunt, uerum nullo successu. Dum lectiones adhiberentur, acus plurimas uomitu reiecere pueri, aciculas quoque, digitalia, panni lacinias, ollarum frusta, uitra, crines & id genus alia: nulla autem hinc subsequuta est integra curatio. Recurrit etenim hoc malum aliquoties, exhorrescentibus interim ijs qui astant ob rei incredibile spectaculum. Aliorum relatu uera hæc esse scio": Weyer, De praestigiis daemonum, & incantationibus ac veneficiis libri sex, 418.

¹⁹ "Postea ob maleficij suspicionem, ad eiusdem curatores itum est, qui suis deprecationibus uarijsque alijs eius amoliendi rationibus tantundem promouere": Weyer, *De praestigiis daemonum*, 418. ("Later, witchcraft was suspected and recourse was had to

the scene and met with some modest success, but only temporarily as the affliction soon returned. Bodin's conclusion—"it was determined that it was caused by witchcraft and spells"²⁰—is thus at odds with Weyer's account, which explicitly discounts any role played by witchcraft.

As for the strange objects ostensibly vomited up by the possessed children in Amsterdam, Weyer remains skeptical, attributing these objects to demonic illusion. How, he asks in the anatomical language of the physician, could such objects pass "through the narrow throats of the children or through the tight passageway of the oesophagus"? His conclusion is that the eyes of the spectators were deceived by the devil. Bodin, however, attributes the objects' presence to witchcraft—generally assumed to be real rather than illusory in the *Démonomanie*. Another borrowing concerning strange objects found inside the stomach of a man follows the same template. Weyer cites the strange objects seemingly found inside the man's stomach as an example of demonic illusion.²¹ When this anecdote reappears in the *Démonomanie*, however, there is nothing illusory in the objects found in the man's stomach.²²

Finally, the borrowing most emblematic of the distance separating *De praestigiis daemonum* from *De la démonomanie des sorciers* is to be found in the example of Sibyl Duiscops who appears twice in the *Démonomanie* in the role of one of the worst witches of her time. Although Bodin makes no mention of his source for this anecdote, there can be little doubt that it is once again Weyer. Several circumstances point to *De praestigiis daemonum* as the source. First, these alleged events took place in the duchy of Cleves, where Weyer served as the Duke's personal physician, although well before his arrival in 1550. Indeed, Weyer laments the fact that no diligent investigation and skilful inquiry had been made at the time, suggesting that if such inquiry had been made, Sibyl's innocence would have

practitioners of that art; but with their prayers and their various others means of averting the disease, they made no more progress than the physicians": Weyer, *De praestigiis daemonum*, ed. Mora *et al.*, 301.)

²⁰ Bodin, *Démonomanie* (1580), fo. 160vo; my translation.

²¹ Weyer, *De praestigiis daemonum*, ed. Mora et al., 302-3.

²² "...il y avoit à Ulrich un nommé Nenssesser laboureus ensorcelé, auquel on tira de dessous la peau un clou de fer, et sentoit de si grandes douleurs aux intestins qu'il se couppa la gorge par desespoir. On l'ouvrit devant tous ceux d'Ulrich, et on trouva un baston, quattre cousteaux d'acier, et deux ferremans, et une pelotte de cheveux": Bodin, *Démonomanie* (1580), fo. 115vo.

been proven.²³ In the second place, Bodin's account follows Weyer's very closely. In the *Démonomanie des sorciers*, we read:

In the Duchy of Cleves near the town of Elten, on the main road, men on foot as well as mounted were struck and beaten, and their carts overturned: nothing was seen but a hand, which people called Ekerken.²⁴

Bodin's wording echoes *De praestigiis daemonum*. In the 1577 edition of the latter, we read:

Near the district of Elten, half a mile from Emerich in the Duchy of Cleves, in a heathy place around the royal road about forty two years before, a demon used to beset travellers in various and wondrous ways, striking them and casting them down from their horses or overturning their carriages; nor was anything else ever seen than the image of a hand. The name Eckerker was given to it. 25

Finally, it is noteworthy that this passage contributes part of the evidence that allows one to ascertain Bodin's copy of *De praestigiis daemonum* to have indeed been the 1577 edition. Weyer begins this anecdote by stating that it took place forty-two years previously. This seems to have prompted Bodin to calculate back from the 1577 publication date and so to conclude that the events took place in 1535: "Ce fut l'an mil cinq cens trente cinq". ²⁶

One of the *Démonomanie*'s many witches who, when they were finally burnt, ceased to afflict their neighbours was, Sybil Duiscops Yet she had appeared in *De praestigiis daemonum* in precisely the opposite sense: as an example of a woman wrongly punished. Weyer acknowledges that when she was burnt, the afflictions ceased. However, he believes that this

²³ "Si etenim industrie obseruatum, inquisitumque solerter fuisset eisdem horis, quibus manus imagine hoc cerneretur ludibrium, Sibylla domi dormiens utplurimum, uel aliud agens fuisset proculdubio deprehensa": Weyer, *De praestigiis daemonum, & incantationibus ac veneficiis libri sex*, 714. ("If, in fact, a diligent investigation and skilful inquiry had been made at the very times at which this illusory image of a hand was seen, Sibyl would no doubt have been discovered sleeping at home on most of these occasions, or doing something else": Weyer, *De praestigiis daemonum*, ed. Mora *et al.*, 521.)

²⁴ "Au Duché de Cleves pres du bourg d'Elten, sur le grand chemin, les hommes à pied et à cheval estoient frappez et batus, et les charrettes versees: et ne se voyoyt autre chose qu'une main, qu'on appelloit Ekerken": Bodin, *Démonomanie* (1580), fo. 132; my translation

²⁵ Weyer, *De praestigiis daemonum*, eds. Mora *et al.*, 521. *De praestigiis daemonum*, & *incantationibus ac veneficiis Libri sex*, 713: "Prope Elten pagum, miliare medium ab Embrica, in ducatu Cliuensi dissitum, circa uiam regiam loco ericeo ante annos circiter quadraginta duos, dæmonium uiatores miris uarijsque exercebat modis, cædens, uel ab equis deijciens, seu uehicula subuertens: nec aliud unquam uidebatur, quam manus effigies. Eckerken huic nomen indebatur".

²⁶ Bodin, *Démonomanie* (1580), fo. 132.

was not because she had been responsible for the strange events. Rather, the devil ceased voluntarily to afflict the villagers in order to make them believe she was a witch and therefore execute her.²⁷ Weyer's example of an innocent woman accused of witchcraft is thus re-employed in the *Démonomanie* to serve as one of the many examples of witches apprehended and justly punished.

Finally, it must be re-emphasized that Weyer is not identified as the source in any of the above anecdotes. In my final example of possession taken from *De praestigiis daemonum*, however, Bodin does acknowledge Weyer as his source, recounting succinctly the anecdote in question. Once again, it is question of a case of possession in Germany.²⁸ But, unlike most of the examples above, this anecdote does not involve any alleged witchcraft, a matter on which Weyer was, for Bodin, highly unreliable.

Bodin thus owes a substantial and mostly unacknowledged debt to *De praestigiis daemonum*, particularly for material on recent episodes of possession. This debt is significant because, in the vast erudition deployed in the *Démonomanie*, sources documenting *recent* events are of key importance to show that witchcraft was not only real, but also on the rise. Some of demonology's critics, including Michel de Montaigne, acknowledged that witchcraft was documented historically and biblically, but challenged claims that it was actually taking place at the time and in the form described by demonologists. In his essay critical of demonology, "Of Cripples (*Des boyteux*)", Montaigne observes:

The witches of my neighbourhood are in mortal danger every time some new author comes along and attests to the reality of their visions. To apply the examples that the Holy Writ offers us of such things, very certain and irrefragable examples, and bring them to bear on our modern events,

²⁷ "ut homines altius incredulitatis barathro immergeret, & reos sanguinariæ sententiæ redderet, quam cumprimis in insontibus avide appetit, ut ab initio homicida": Weyer, *De praestigiis daemonum, & incantationibus ac veneficiis Libri sex*, 714 ("so that by this cessation he might plunge men deeper into the abyss of unbelief, and so that he might render them guilty of a bloodthirsty sentence," Weyer, *De praestigiis daemonum*, eds. Mora *et al.*, 521).

²⁸ "Jehan Vier recite qu'il a veu une fille demoniaque en Allemaigne: Et sur ce qu'un certain exorciste l'interrogeoit, Sathan respondit qu'il falloit que la fille allast en voyage à Marcodure ville d'Allemaigne, et que de trois pas l'un elle s'agenouillast, et qu'elle fist dire une Messe sur l'Autel Saincte Anne, et qu'elle seroit delivree, predisant le signal de sa delivrance à la fin de la Messe. Ce qui fut faict, et sur la fin de la Messe, elle et le Prestre veirent ung image blanc, et fut ainsi delivree": Bodin, *Démonomanie* (1580), fo. 162 (*recte* 163).

requires greater ingenuity than ours, since we see neither their causes nor their means. 29

Witchcraft exists—or at least has been known to exist. However, the "very certain and irrefragable examples" offered by Holy Writ do not prove that those executed for witchcraft "in his neighbourhood" were indeed witches. Montaigne is thus drawing a line between witchcraft in Scripture (historical or biblical witchcraft) and notions of witchcraft in his own time (based on extra-biblical notions of the pact and the sabbat). Finally, he dismisses demonological literature of his time as nothing more than an intellectual fad ("the witches of my neighbourhood are in mortal danger every time some new author comes along and attests to the reality of their visions"). Against critics such as Montaigne, Bodin set out to document contemporary witchcraft. To this end, contemporary treatises such as Weyer's De praestigiis daemonum containing accounts of recent events were indispensable.

Bodin's reliance on *De praestigiis daemonum* for recent examples of possession does not, however, prevent him from targeting Weyer in a virulent attack reserved for the "*Réfutation des opinions de Jean Wier*". ³¹ The relative harmlessness of so-called witches and the imaginary nature of their spells call for clemency from judges: so Weyer suggests, suggestions which

²⁹ The Complete Essays of Montaigne, trans. Donald Frame (Stanford: Stanford University Press, 1943), 788. "Les sorcieres de mon voisinage courent hazard de leur vie, sur l'advis de chaque nouvel autheur qui vient donner corps à leurs songes. Pour accommoder les exemples que la divine parolle nous offre de telles choses, tres-certains et irrefragables exemples, et les attacher à nos evenemens modernes, puisque nous n'en voyons ny les causes ny les moyens, il y faut autre engin que le nostre": Montaigne, Les Essais, ed. P. Villey and V.-L. Saulner (Paris: Presses Universitaires de France, 1965), III.xi: 1031.

³⁰ Indeed, demonological literature witnessed a surge in popularity at the time Montaigne was writing the *Essais*. There were 16 new editions of the *Malleus maleficarum* (1486/87) between 1574 and 1621; see *Le Marteau des sorcières*, trans. and ed. Amand Danet (Grenoble: Jérôme Millon, 1990), 16. In France, several new treatises were published just before the *Démonomanie* and the *Essais* appeared (both first published in 1580). Lambert Daneau's *De veneficiis* appeared in 1574, followed by a French translation in 1579. Pierre Nodé's *Declamation contre l'erreur execrable des maleficiers, sorciers, enchanteurs, devins, et semblables observateurs des superstitions* was published in 1578. And of course, Bodin's *Démonomanie* was itself a European best-seller, with thirteen French editions between 1580 and 1616, not to mention Latin, German, and Italian translations which appeared soon after the 1580 *editio princeps*. See Roland Crahay, Marie-Thérèse Isaac, and Marie-Thérèse Lenger, *Bibliographie critique des éditions anciennes de Jean Bodin* (Brussels: Académie Royale de Belgique, 1992), 221–84. For a fuller discussion of the context in which Bodin and Weyer were writing, see the "Introduction" to the forthcoming edition of *De la Démonomanie des sorciers*, ed. Virginia Krause and Christian Martin (Geneva: Droz).

³¹ Robert Mandrou, *Magistrats et sorciers en France au XVIIe siècle: une analyse de psychologie historique* (Paris: Plon, 1968), 127; Clark, *Thinking with Demons*, 198.

infuriate Jean Bodin to the point of making the hair on his head stand on end ("lui fai[re] dresser le poil en la teste").32 Bodin's reception of Weyer thus oscillates between two poles. At one extreme, in the body of the Démonomanie, De praestigiis daemonum is a privileged source, a donor text supplying recent examples which Bodin does not hesitate to reemploy as he sees fit. At the other extreme, Wever is systematically refuted and vilified in the *Réfutation*, where he is declared to be the subverter of God's law and the disciple of the most abominable witch of recent times: Agrippa (Heinrich Cornelius Agrippa von Nettesheim). In no way does Bodin attempt to harmonize his discordant attitudes towards Weyer—at once an apparently reliable source of factual information and the most dangerous of men operating under diabolical influence and thus unreliable in every possible way. It may not be too fanciful to apply to Bodin's use of Weyer Augustine's gloss on the phrase "spoliabitis Egyptum" from *Exodus* iii.22:³³ that even as the Israelites fled Egyptian idolatry, they took with them Egyptian gold and treasure, which they later re-employed to make the Ark of the Covenant and decorations for the Temple. Similarly, even as Bodin fled what he understood to be Wever's diabolical agenda, he took with him examples he could use to build a case in defence of God's law in his Démonomanie.

2. Bodin's Attack on Weyer in the Réfutation des opinions de Jean Wier

My focus for the remaining pages will be not upon what Bodin took from Weyer, but upon what he left—or, rather, rejected, refuted, and condemned. The *Réfutation* constitutes only of an appendix to *De la Démonomanie des sorciers*, but it could easily have constituted an entire chapter, if not the very heart of the treatise. Weyer's bid to save women accused of witchcraft hinged on differentiating those he argued were harmless old women suffering from melancholy and falsely accused whilst innocent

³² Bodin, *Démonomanie* (1580), fo. 256. In Weyer's letter to his patron, he writes: "For thirteen years your physician, I have heard expressed in your court the most varied opinions concerning witches; but none so agree with my own as do yours, that witches can harm no one through the most malicious will or the ugliest exorcism, that rather their imagination—inflamed by the demons in a way not understandable to us—and the torture of melancholy makes them not only fancy that they have caused all sorts of evil... When a Prince of such virtues protects me, then I have faith that I can make short work of the snapping teeth of insolent quarrelers...": Weyer, *De praestigiis daemonum*, ed. Mora *et al.*, "Introduction," LVIII.

 $^{^{33}}$ Cf above, p. 29. $\it Exodus$ was one of the biblical books most frequently cited in the $\it D\'{e}monomanie$.

of any real crime, from both "infamous magicians" and poisoners.³⁴ Thus in Book VI "On the Punishment of Notorious Magicians, Witches, and Poisoners"³⁵ which so enraged Jean Bodin, Weyer carefully distinguishes witches (*lamiae*) from notorious workers of magic (*magi infames*) and poisoners (*venefici*), arguing in defence only of *lamiae* who, he maintains, were not deserving of capital punishment.³⁶ Jean Bodin rejects these distinctions. For the Angevin jurist, the educated male "magician" and the illiterate village "witch" were equally guilty of the crime of witchcraft and equally deserving of capital punishment, regardless of any actual harm done because of their intent.

Unlike the infamous magi, who were true scholars and practitioners of the dark arts, so-called "witches" (*lamiae*) were, for Johann Weyer, only illiterate old women, victims of a medical condition (melancholy), suffering from wild delusions, confusing their own "dreams" with "reality," and in no way capable of actually performing the crimes of which they were accused (displacing crops, bringing on storms, transforming animals, causing illness in humans and livestock, not to mention dancing and feasting with demons at the so-called sabbat).³⁷ In order to exculpate these women, Weyer adopts a doubly naturalizing perspective. First, he calls into question the probability and even possibility of the crimes at

³⁴ See H. C. Erik Midelfort, "Johann Weyer and the Transformation of the Insanity Defense," *The German People and the Reformation*, ed. R. Po-Chia Hsia (Ithaca: Cornell University Press, 1988), 234–62; Sydney Anglo, "Melancholia and Witchcraft: The Debate between Wier, Bodin and Scot," *Folie et déraison à la Renaissance, Colloque international tenu en novembre 1973 sous les auspices de la Fédération internationale des Instituts et Sociétés pour l'étude de la Renaissance* (Brussels: Éditions de l'Université de Bruxelles, 1976), 209–22; and Jean Céard, "Médecine et démonologie: les enjeux d'un débat," *Diable, diables et diableries au temps de la Renaissance*, ed. M. T. Jones-Davies (Paris: Jean Touzot, 1988), 97–112.

³⁵ "De Magorum infamium, lamiarum et veneficorum poenis": Weyer, *De praestigiis daemonum, & incantationibus ac veneficiis libri sex*, 656.

³⁶ "I am not an advocate here for magicians and poisoners but for deluded *Lamiae*, who are quite different both from wicked magicians and from poisoners, as I have made clear in book 3": Weyer, *De praestigiis daemonum*, ed. Mora *et al.*, 575.

³⁷ "[J]e nomme Sorciere, celle laquelle ayant fait une paction abusive ou imaginaire avec le diable, est estimee faire et destiner toutes choses mauvaises, par pensee, maudisson, ou par choses frivoles et ineptes à l'œuvre qu'elle entreprend, et ce par une propre volonté et election: ou par l'instinct et poussement ou aide du malin esprit, comme de faire ardre des foudres inacoustumees en l'air, de l'esmouvoir d'un tonnerre espouvantable, de gaster la terre par une abondance dommageable de gresle, d'esmouvoir les tempestes, de transporter les bleds en espic ailleurs, ou les gaster et ravager: envoyer des maladies outre le cours naturels aux hommes, aux bestes, et y remedier: aller en peu d'heure en lieux fort esloignez, dancer avec les diables, banqueter, faire la cauchemare, changer les hommes en bestes, et monstrer mille follies monstrueuses": Weyer, *Histoires, disputes, et discours des illusions*, 202.

issue, arguing that it is ridiculous to think that feeble and deluded old women could wreak such havoc using harmful magic. "Natural things, and things accomplished by special skills, are sometimes thought to be caused by demons" is the title given to *De praestigiis daemonum* I.xviii, which contains examples of fantastic occurrences behind which Weyer detects human error, artifice, or natural causes.³⁹

Secondly, and most injuriously to Jean Bodin, Wever subjects the category of "witch" (lamia) to a properly medical scrutiny, and concludes that persons so categorized were not guilty of witchcraft but, rather, afflicted by melancholy. Quoting at length the description of the signs of melancholy in so-called witches in Girolamo Cardano's De rerum varietate (1557), Weyer bolsters his diagnosis with an enumeration of the physical symptoms of melancholy which, it would seem, are clear for all to see. "They [lamiae] are misshapen, pale, and somewhat gloomy-looking; one can see that they have an excess of black bile just by looking at them". 40 Those suffering from melancholy were widely believed to be easy prey for the devil, who found in "black bile" an opening into the minds and souls of those afflicted. Hence melancholy's epithet: balneum diaboli the "devil's bath". 41 In this way, for Weyer, melancholic *lamiae* were like ones possessed, victims rather than perpetrators. In the following passage, critical of two well-known champions of the prosecution of witches, Paulo Grillando, author of *De sortilegiis* (1536) and Ulrich Müller or Molitoris, *De* lamiis (1489), Weyer writes:

We should see how all of the things we have just discussed cursorily refer back to that which Grillando and Molitor would have the *Lamiae* boldly perpetrate and voluntarily do, rather than suffer in their minds. For nothing acts against itself. Nothing differs more than agent from patient. Therefore, these women are deserving of commiseration rather than punishment.⁴²

³⁸ "Res naturales et artificiales quandoque iudicari dæmoniacas": Weyer, *De praestigiis daemonum, & incantationibus ac veneficiis libri sex*, 88.

³⁹ "Plusieurs choses se presentent parfois à nos yeux lesquelles, pour sembler etre plus que naturelles sont estimees illusions et ouvrages diaboliques: combien que pour certaines causes et raisons assez evidentes, nature, mere de toutes choses, les ait produites": Weyer, *Histoires, Disputes, et Discours des Illusions*, 70–1.

⁴⁰ *De praestigiis daemonum*, ed. Mora *et al.*, 510. ("Sunt deformes, pallidæ & subobscuræ, atram": Weyer, *De praestigiis daemonum*, & *incantationibus ac veneficiis Libri sex*, 698.)

⁴¹ Although because of its reputation as the "devil's bath," melancholy remained ambiguous, as Rebecca Wilkin observes: "Melancholy blurred the line between illness and evil, victimization and accountability": *Women, Imagination and the Search for Truth in Early Modern France* (Aldershot: Ashgate, 2008), 10.

⁴² De praestigiis daemonum, ed. Mora et al., 571. ("Quæcunque uero iam summatim diximus, eo recidunt omnia, ut quod Grillandus & Molitor Lamias animo committere, &

Weyer's *lamiae* are not the devil's clandestine *agents*, acting with intent to do harm, but rather *patients*, suffering from a debilitating condition. In contrast, Jean Bodin's witch is a fully conscious agent who has freely entered into a pact with the devil and from this point on is actively pursuing an agenda on the devil's behalf. Whether or not the witch actually succeeds in carrying out her designs is immaterial for Bodin. What matters is the conspiratorial intent. This is the thrust of Bodin's definition of the witch, which emphasizes intent above all else: "Sorcier est celuy qui par moyens Diaboliques sciemment s'efforce de parvenir à quelque chose" posited at the very beginning of Book 1.43 Bodin's witch—whether male or female—is willing and able to carry out actions, a malevolent, fully active force, unlike Weyer's *lamia* who hallucinates, dreams, perhaps even fantasizes, but does not actually commit the horrific deeds of which she is accused.

Bodin's refutation of Weyer follows closely in the footsteps of Thomas Erastus, who first picked up the gauntlet, writing a dialogue critical of Weyer in 1578 titled the *Repetitio disputationis de lamiis seu strigibus* (Basel: Pietro Perna, 1578).⁴⁴ A practising physician of broad erudition and with an interest in demonology, Erastus composed a tightly argued dialogue which was translated into French the next year and published in an anthology including a French translation of *De praestigiis daemonum* as well (Geneva: Jacques Chovet, 1579).⁴⁵ In his 1580 *Démonomanie*, Bodin took a number of arguments directly from Erastus's dialogue, which contested the line Weyer had attempted to trace between "magician" (*magus*) and "witch" (*lamia*) on philological, historical, and empirical grounds. Indeed, Bodin seems to have drawn many of the arguments he

uolontate facere uolunt, potius in mente pati, quam facere, uideamus. Nihil enim agit in seipsum. l. ille a quo. §. tempestiuum. D. ad Trebell. Nihill autem magis differt inter se, quam agens et patiens. l. Vranius. D. de fideiuss. argumento l. prætor. de tut. & cur. Quare commiseratione potius quam pæna dignæ sunt, omnique potius auxilio, quod dolum, uim, metum passis, furiosis, deceptis, ignorantibus, impotentibus aut ipso iure competit, aut ratione suadente tribuitur. Neque uero pæna pænæ potest esse, nec afflictionem afflicto addere debemus. l. nauis onustæ. §. cum autem. D. ad l. Rhodiam. c. ex parte. de cler. ægrotan. §. quod si uis fluminis. Instit. de rer. divis. & 7. q. i. c. cum percussio": Weyer, *De praestigiis daemonum, & incantationibus ac veneficiis Libri sex*, 783.)

⁴³ Bodin, *Démonomanie* (1580), fo. 1; emphasis added.

⁴⁴ Eight years earlier, Erastus had published as a chapter in the first volume of his *De medicina nova* a 23-page disputation refuting Weyer's attempts to decriminalize witch-craft: see Charles D. Gunnoe, *Thomas Erastus and the Palatinate: A Renaissance Physician in the Second Reformation* (Leiden: Brill, 2011), 349.

⁴⁵ Deux dialogues, in Johann Weyer, Histoires, disputes, et discours des illusions, trans. Goulart (Geneva: Jacques Chovet, 1579), 759–875.

uses in the *Démonomanie* from Erastus, including his definition of the witch based on intent rather than actions:⁴⁶

- "[sorcier est] un homme, ou une femme laquelle par le moyen et art du diable, s'efforce ou de bien faire ou de mal faire" (Erastus).⁴⁷
- "Sorcier est celui qui par moyens Diaboliques sciemment s'efforce de parvenir à quelque chose" (Bodin).⁴⁸

He also seems to have followed Erastus in his close philological study of the Hebrew and Greek terms for 'witch' and 'witchcraft' on which he bases his argument in the *Réfutation*, particularly the discussion of the key passage from *Exodus* "Thou shalt not suffer a witch to live" (*Exodus* xxii.18).⁴⁹ Following Erastus, Bodin rejects Weyer's more restrictive interpretation of this passage—for Weyer had argued that it applied to poisoners but not the so-called witches of the modern world. For Erastus as for Bodin, *Exodus* xxii.18 applies to all those guilty of witchcraft, if only by virtue of their *intent*. Bodin drew other arguments and even some of the authorities he mobilizes to make his case from Erastus, who mounts a carefully argued and very reasonable argument against Weyer.

Indeed, it is here—in the *tone* of his refutation—that Bodin departs from his model, Erastus, who is indeed "careful" and "reasonable" as well as always very respectful of Weyer, described as "a learned man who, moved by compassion toward these miserable women, undertook their defence and argued that they are innocent: although he was mistaken, I believe his intentions were good".⁵⁰ Erastus suggests that Weyer was led astray by his misplaced compassion, but he maintains a courteous tone

⁴⁶ "si est-ce que pour avoir renoncé Dieu, et traicté avec Sathan [le sorcier] merite d'estre bruslé tout vif: car telle convention est sans comparaison plus capitale, que de faire mourir par feu et par glayve les fruits, les hommes, et les bestes . . . C'est pourquoy la loy de Dieu dict que la Sorciere soit soudain mise à mort, sans parler si elle a faict mourir les fruits, ou le bestail": Bodin, *Démonomanie* (1580), fo. 241vo.

 $^{^{47}}$ Erastus, *Deux Dialogues*, in Johann Weyer, *Histoires, Disputes, et Discours des Illusions*, 850. ("A witch is a man or a woman, who by means of the devil's art, attempts either to do good or to do harm.")

⁴⁸ Bodin, *Démonomanie* (1580), fo. 1. ("A witch is one who knowingly tries to accomplish something by diabolical means:" *On the Demon-Mania of Witches*, 45.)

⁴⁹ Bodin's analysis of the Hebrew term *Mekashshephah* and the Septuagint's translation with the Greek term *pharmakos* in his *Réfutation des opinions de Jean Wier* (see *Démonomanie* (1580), fos. 220–224v0) rehearses arguments already made by Erastus in *Repetitio disputationis de lamiis seu strigibus* (Basel: Pietro Perna, 1578), 90–3. See Gunnoe's analysis of Erastus's argument: *Thomas Erastus and the Palatinate*, 364–6.

⁵⁰ "un homme docte, qui touché de compassion envers ces miserables femmes, a entreprins de defendre leur cause, et maintenir qu'elles sont innocentes: ce que j'estime qu'il a fait plustost d'affection bonne que droite": Erastus, *Deux Dialogues*, 786.

towards his fellow physician. Bodin, in contrast, mounts a virulent and sustained *ad hominem* attack in the *Démonomanie*, disdaining none of the resources of invective in attacking Weyer whom he accuses of being no less than the Devil's own agent working clandestinely to sabotage the efforts of God-fearing judges.⁵¹

Bodin turns repeatedly to one chapter from the biography of Johann Weyer, who served an apprenticeship under the guidance of Agrippa between 1530 and 1534 (from age fourteen to eighteen) and speaks with affection of his mentor.⁵² Wever maintained a well-known intellectual debt to Agrippa—not the Agrippa of *De Occulta philosophia* (1533), a work which he does not hesitate to criticize in De praestigiis daemonum, but rather Agrippa the skeptic, the paradoxical thinker, author of De incertitudine et vanitate scientiarum declamatio invectiva (1526) who also successfully defended a woman accused of witchcraft in Metz.⁵³ Bodin does not hesitate to recast this intellectual debt as diabolically inspired, declaring Weyer to be the disciple of "the greatest witch of his time," perhaps even his lover, he insinuates in one instance.⁵⁴ Labelling Weyer himself a witch is strong language in the *Démonomanie*, which calls for capital punishment for all those guilty of witchcraft. But even if Weyer were not himself a witch, reasons Bodin, he would still be guilty of attempting to help witches escape punishment, a crime for which the law stipulates the same punishment as for the witches themselves.⁵⁵

Why the extreme reaction in Bodin's response to Weyer? Why this degree of violence in a polemic already set in motion by Erastus, who argues the case more dispassionately than Bodin while maintaining a

^{51 &}quot;Or Vier, qui se faict appeller Defenseur des Sorciers, ne se peut excuser d'une impieté extreme d'avoir mis en son livre les plus detestables formules, qu'on peut imaginer, si bien qu'en apparence il medit du Diable et de ses inventions, et neantmoins il les enseigne et touche au doigt, jusques à mettre les caracteres et mots, que son maistre Agrippa ne voulut publier tant qu'il vescut. C'est pourquoy j'ay le plus, qu'il ma esté possible, couvert et caché, ce qu'il faut ensevelir d'oubliance, et me contente que les juges cognoissent ce qui merite peine, et les ignorant [sic] ne tombent es filets que ce bon protecteur a preparé pour les piper, et tirer à la cordelle de Sathan": Bodin, *Démonomanie* (1580), fos. 54–54vo.

Weyer, De praestigiis daemonum, ed. Mora et al., "Introduction," XXX.
 De praestigiis daemonum, ed. Mora et al., "Introduction," XXX–XXXI.

⁵⁴ "D'avantage il fait bien à noter que Wier confessa qu'il estoit disciple d'Agrippa, le plus grand Sorcier qui fut onques de son aage, et non seulement il estoit son disciple, ains aussi son valet et serviteur, beuvant, mangeant, et couchant avec luy: comme il confesse, apres que Agrippa eut repudié sa femme": *Démonomanie* (1580), fos. 219v0-220.

⁵⁵ "il est coulpable de la peine des Sorciers comme il est expressement porté par la loy, Que celuy qui faict evader les Sorciers, il doit souffrir la peine des Sorciers": Bodin, *Démonomanie* (1580), fo. 254vo.

tone of civility? The virulence in Bodin's reception of Weyer is a sign of the stakes underlying the debate. What made Weyer so dangerous for the author of the *Démonomanie* was no single argument nor even the premise, for Weyer was, like Bodin, perfectly convinced of the reality of diabolical interventions. It was instead the disciplinary terms in which Weyer framed the debate that were most threatening to Bodin. The *De praestigiis daemonum* placed witchcraft on a *medical* and proto-*psychological* (humoural) terrain and thereby threatened to displace the religious modes of thinking that informed early modern demonology.

To be sure, Weyer's pathologization of witchcraft belongs to what has been authoritatively characterized as a subgenre of demonology that was 'psychology'. This was defined by one contemporary of Weyer and Bodin, Noël Taillepied, author of *Psichologie, ou Traité de l'apparition des esprits* (1588), as the science of distinguishing perception from illusion. *Psicholo*gie was part of the classificatory operations designed to identify demons, ghosts, prodigies, and a variety of 'spirits'—preoccupations that characterized early modern demonology writ large.⁵⁷ Yet Weyer's project does not fit comfortably into this analytical model. It pushes against the limits within which he was operating, opening a breach in the demonological edifice, but without exploiting the new potential this breach made possible. Wever was a man of his times, working with the toolbox of his era: and yet, there is something prophetic in his project which opened a new horizon of knowledge. The symptoms Weyer scrutinized in those he saw not as the devil's own agents, but as old women suffering from melancholy, would several centuries later be labeled as 'hysteria' or 'neurosis' and treated as psychiatric conditions.⁵⁸

Johann Weyer offered a new criterion of intelligibility for making sense of the irruptions of strangeness and otherness, irruptions that would increasingly be deciphered in psychological and political rather than religious terms. This displacement of the religious paradigm is for Michel de Certeau the drama that would be played out at Loudun (1632–1640).⁵⁹ The

⁵⁶ See Clark, Thinking with Demons, 200.

 $^{^{57}}$ See Wilkin's discussion of Taillepied's *Psichologie* (1588): Women, Imagination and the Search for Truth in Early Modern France, 9.

⁵⁸ Hence George Mora's description of Weyer as a "pioneer of modern psychiatry" whom early psychiatrists recognized as such: including Sigmund Freud, who placed *De praestigiis daemonum* among the ten most significant books of all time. Weyer, *De praestigiis daemonum*, ed. Mora *et al.*, "Introduction," LXV and LXXIII–LXXIII.

⁵⁹ La Possession de Loudun (Paris: Gallimard/Julliard, 1970).

possessions at Loudun became the stage of a *différend*, pitting physicians against theologians. Initially, the religious paradigm prevailed as exorcists mobilized their demonological science, interrogating the demons possessing the nuns. However, the competing interpretations of physicians progressively gained the upper hand against the demonological paradigm. ⁶⁰ After the irruption of possessions at Loudun and elsewhere had played out, physicians had the last word and the demonologists were silenced.

Weyer had no intention of displacing the religious paradigm. He restricted his medical understanding to one small category (the illusory actions of so-called "witches"), leaving most phenomena clearly within the limits of a religious model. And lest one exaggerate the modernity of Weyer's project, it is useful to recall that the medical condition of melancholy as he understood it was not a more modern (physical and psychological) conception of the illness. Rather, for Weyer demons were also at work, stirring up the humours that caused melancholy—indeed, this is what made melancholy so dangerous and so hard to treat. For Jean Bodin, however, the pathologization of witchcraft, no matter how qualified and circumscribed in *De praestigiis daemonum*, threatened the integrity of the system on which he based his *Démonomanie*. The violence of Bodin's response is thus in proportion to the threat Weyer's medical paradigm posed to the authority of the juridico-theological foundations on which, and in defence of which, Bodin composed his *Démonomanie des sorciers*.

Against this "little doctor" who dared to challenge metaphysics and to dabble in criminal law, Bodin's verdict is stinging: "his responsibility is to judge the colour and hypostasis of urines and other such matters, and not to attempt to handle sacred matters or to attack divine and human laws". ⁶¹ No amount of rhetorical violence could, however, put the devil back in the box. It was not Bodin's witch, but Weyer's *lamia*, pathologized and all too human, who would ultimately become the subject of modern scientific disciplines.

⁶⁰ Michel de Certeau, L'Écriture de l'histoire (Paris: Gallimard, 1975), 265-9.

⁶¹ "on luy peut respondre que sa vacation est de juger de la couleur, et hypostase des urines, et autres choses semblables, et non pas toucher aux choses sacrees, ny attenter aux loix divines et humaines": Bodin, *Démonomanie* (1580), fo. 236.

CHAPTER SIX

AUTHORIAL STRATEGIES IN JEAN BODIN¹

Ann Blair

Authors are often themselves engaged in the reception of their works.² They make decisions themselves and choose publishers and printers to make further decisions which shape how the work is first presented to readers—including choices about the front matter, lay-out and language of the work, and about format and length which affect price. Authors such as Jean Bodin (who started publishing at an early age and was active for over 40 years) were also able to contribute to the early reception of their works by responding to critics and adjusting their stance both in changes they made to the front matter and text of works which appeared in multiple editions in their lifetimes and in the new works that they published. In this chapter I will first identify some general patterns of Bodin's decisions as a prolific author in two languages and multiple fields and genres. I will then focus on how Bodin responded to critics of his *République* by using the voices of others to respond forcefully in the vernacular and by maintaining under his own name the persona of a dignified Latin author content to accept the judgements of others.

Thanks to the excellent research presented in the *Bibliographie critique* des éditions anciennes de Jean Bodin it is possible to track reliably the overall output of Bodin, in his lifetime and beyond.³ To summarise briefly the findings of this extensive survey conducted by the Séminaire de Bibliographie Historique of the University at Mons, Jean Bodin published nine

¹ I am grateful to the project's convenor and participants in the Hull workshops for many insightful comments at the time and afterwards. Special thanks to Sara Miglietti for the passages in the *Methodus* that support the themes I discuss here, and to Marie-Thérèse Isaac of the University Mons, Belgium, for sharing with me copies of prefaces of hard-to-find editions collected by the Séminaire de Bibliographie Historique during its study of Bodin's works in the 1980s.

² Cf. Peter Burke's comment on 'paratexts' above, pp. 41–2.

³ Roland Crahay, Marie-Thérèse Isaac, Marie-Thérèse Lenger, with René Plisnier, eds. (Brussels: Académie Royale de Belgique, 1992). Cf. the findings presented in the "Bibliography of the *République*" compiled by Kenneth D. McRae, noted below (p. 412, n. 18).

major works for which he wrote dedications (the most explicit sign of an author taking responsibility for a work), many of which were reprinted during and after his lifetime:

- Bodin's translation of and commentary on Oppian's *Cynegetica* (1555, with 2 posthumous issues);
- the *Methodus* (Paris: Le Jeune, 1566; followed by 11 editions, 5 of them posthumous);
- the *Réponse à Malestroit* (Paris: Le Jeune, 1568; Paris: Dupuys, 1578; then a further 7 editions, 3 of them posthumous);
- the *République* (Paris: Dupuys, 1576; then 13 editions, 3 of them posthumous);
- the Latin *Republica*, Bodin's own translation, including substantial revisions to the French edition, hence counted as a separate work (Paris: Dupuys, 1586; then 7 editions, 4 of them posthumous), followed by one edition each in Italian (1588), Spanish (1590), German (1591/92) and an English translation combining French and Latin versions (1606, posthumous);
- the *Iuris universi distributio* (Paris: Dupuys, 1578; then 2 editions, including 1 posthumous);
- the *Démonomanie* (Paris: Dupuys, 1580; then 12 editions, 4 of them posthumous);
- followed by translations into Latin (1581, plus 2 editions, one of them posthumous), in German (1581, plus 3 editions, one of them posthumous), and in Italian (1587, plus 2 editions, neither posthumous);
- the *Theatrum* (Lyon: Roussin, 1596, then 2 posthumous editions) and a posthumous French translation (1597);
- the *Paradoxon* (Paris: Duval, 1596), was followed by a French translation by Bodin published posthumously in 1598, and another French translation in 1604.

This list of works for which Bodin composed a dedication omits a few shorter works which named Bodin on the title page, most of them born of specific circumstances, such as the *Oratio* of Toulouse (1559), Bodin's French translation of the *Harangue* to the Polish ambassadors (1573), and the *Lettre de Monsieur Bodin* (1590). The recent and painstaking survey of French vernacular books before 1601 led by Andrew Pettegree turns up two additional short works published in 1590, also without dedication and

perhaps of dubious authenticity.⁴ Leaving aside these works which do not include a dedication and in the publication of which Bodin was not as closely engaged (whether for reasons of youth in 1559 or because others printed his *Lettre* probably without his consent), we can identify some broad trends in Bodin's authorial decisions for his major works.⁵

1. A Few Patterns of Publication in Bodin's Explicitly Authored Books

Like all authors, Bodin had most control over the first editions of his works. Except in the case of the *Theatrum*, in first publishing his various works Bodin chose Paris publishers, first Martin le Jeune, then, starting in 1576, Jacques Dupuys with whom he developed a consistent relationship through to the end of his life. Dupuys was responsible for most of the editions of Bodin's works until he ceased activity in 1589; he produced the most important of them, the *République* and the *Démonomanie*, through five and four editions respectively, over seven years in each case. The first editions generally appeared in the largest formats: folio only for the *République* and the first editions of each of its translations (into Latin, Italian, Spanish, German, English); quarto for Oppian, *Methodus, Réponse à Malestroit, Démonomanie*; octavo for *Iuris distributio, Theatrum* and *Paradoxon*. In later editions Bodin's works all ended up in smaller formats—octavo in every case, in addition to smaller formats for the *Methodus* and for one edition of the *Démonomanie*. Apparent here seems to be an

⁴ Copie des lettres missives escrites à un sien amy contenant plusieurs poincts notables de l'estat present de la France (s.l., s.n., 1590) and Discours sur aucunes parties de l'estat du magistrat (s.l., s.n. [1590]) are not listed in Crahay et al., eds., Bibliographie critique des éditions anciennes de Jean Bodin but appear in French Vernacular Books: Books published in the French Language before 1601, ed. Andrew Pettegree, Malcolm Walsby, Alexander Wilkinson (Leiden: Brill, 2007), 178–80 s.v. Bodin, FB6180 and 6182.

⁵ See Crahay *et al.*, eds., *Bibliographie critique*, 16–17, 84–90. On Bodin's displeasure with the printing of his *Lettre*, see Paul Lawrence Rose, ed., *Jean Bodin. Selected Writings on Philosophy, Religion and Politics* (Geneva: Droz, in association with James Cook University of North Queensland, 1980), xii.

⁶ Jonathan Schüz's paper in this volume points out that, in a reversal of this general trend, the German edition of the *Démonomanie* of 1591 was published in folio format, after the first two editions had been octavos. See also Crahay *et al.*, eds., *Bibliographie critique*, 272–3. The *Methodus* was printed in sextodecimo format in 1591, 1598/99, 1607, 1627; and in duodecimo in 1650. Octavo editions appeared in 1572, 1576, 1583, 1595 and 1610. The *Démonomanie* was printed in duodecimo format in 1598 and 1604.

early version of the phenomenon that William St. Clair has studied for the late eighteenth century which he calls tranching down (and which is still visible today in the use of hardback and paperback editions): publishers started by producing the most expensive editions possible, to tap the market of buyers who were willing to pay a top price, then reached new readers by printing subsequent editions in smaller and less expensive formats. Thus the first two Dupuys editions of the *République* were in folio, while the pirated 1577 Geneva edition was octavo, a format which Dupuys copied, starting with the third authorized edition in 1580. The author may not have had much say in these decisions about format, even during his lifetime.

More re-editions of Bodin's works were published during his lifetime than afterwards (except for the Latin *Republica*)—an indication that Bodin's own activities helped foster interest in them. Nonetheless, Bodin's name was considered a selling point, to judge from the works that invoked it after his death, such as the *Consilium Ioannis Bodini* (1602) and the vernacular popularization of his *Theatrum* in the *Problemata Bodini* (1602).⁸ Likewise, Bodin's dedications were reproduced in almost all editions of his works, including the posthumous and even the pirated ones, presumably to highlight the value of the authenticity of his authorship.⁹

A translation significantly removed the work from its original author; the translations of Bodin's works routinely dropped the dedication by Bodin in favor of a dedication by the translator. Presumably, the heavy work involved in translation earned the translator the right to put himself and his relationships to his patrons forward. No translator took greater advantage of the opportunities for self-promotion than François de Fougerolles, the translator of the *Theatrum*. While most translators' dedications were only a few pages long, Fougerolles devoted some 25 pages to his front matter—including a dedication, a preface and multiple odes of

⁷ See William St. Clair, *The Reading Nation in the Romantic Period* (Cambridge: Cambridge University Press, 2004), for example 32; or "The Political Economy of Reading", John Coffin Memorial Lecture in the History of the Book (London: University of London, 2005). Accessible on-line at http://www2.sas.ac.uk/ies/Publications/johncoffin/stclair.pdf.

⁸ See Crahay *et al.*, eds., *Bibliographie critique*, 329–31 and 306–11; and on the *Problemata Bodini*, see Ann Blair, *The Theater of Nature: Jean Bodin and Renaissance Science* (Princeton, NJ: Princeton University Press, 1997), 212–24.

⁹ The only exceptions I have noticed, in which Bodin's dedication was omitted from a later edition of a work for which he had written a dedication, are the editions of the *Démonomanie* of Antwerp, 1592 and of Rouen, 1604.

¹⁰ One exception to the omission of Bodin's original dedications in translations occurs in the 1604 *Paradoxe* which includes Bodin's dedication after the translator's.

praise to himself and his work in Latin and Greek. He also took the printer to court to defend his right to control the front matter. 11

But Bodin also published works without authoring them explicitly.

2. Beyond the Explicitly Authored Works

The Colloquium heptaplomeres poses notorious and especially complex problems. In refutation of recent challenges to the work's attribution to Bodin, Noel Malcolm has presented a detailed discussion of the evidence, and, beyond supporting his conclusions, I have nothing new to add to this debate.¹² Malcolm concludes on the one hand that there will probably never be complete certainty concerning the authorship of the manuscript, but on the other that there is good circumstantial evidence for Bodin's authorship. He makes three main points especially. One of the earliest manuscripts includes both the Colloquium and the Epître concernant l'institution de ses enfants for the latter of which Bodin's authorship has not been contested. Secondly, Malcolm finds that none of the evidence adduced by Karl Faltenbacher from allegedly anachronistic references is strong. Most powerfully in my view, Malcolm challenges the plausibility of contemporaries' attributing this text to Bodin (starting in the 1620s) without thinking the attribution was authentic. Indeed, he explains that when clandestine texts were given intentionally false attributions to famous authors in the early modern period, "the person so chosen was either a figure of solid respectability...or a figure of notorious heterodoxy". Bodin was neither of the above: he "was too respectable to serve as an iconic anti-Christian, but not quite respectable enough to act as a façade for orthodoxy". 13 In the absence of the association of Bodin with irreligion that began only in the late seventeenth century, Malcolm concludes, the near-contemporaries who attributed the *Colloquium* to Bodin did so because they felt they had good reason. Many of these reasons, such

¹¹ See Blair, The Theater of Nature, 204-7.

¹² Noel Malcolm, "Jean Bodin and the Authorship of the Colloquium heptaplomeres", Journal of the Warburg and Courtauld Institutes 69 (2006): 95–150. On the challenge to the attribution to Bodin see especially Karl Faltenbacher, Der kritische Dialog des Colloquium Heptaplomeres: Wissenschaft, Philosophie und Religion zu Beginn des 17. Jahrhunderts. Ergebnisse der Tagung vom 6. bis 7. November 2006 am Frankreich-Zentrum der Freien Universität Berlin, in Beiträge zur Romanistik, vol. 12 (Darmstadt, Wissenschaftliche Buchgesellschaft, 2009). For further materials presented from this perspective see the website maintained by Karl Faltenbacher at http://www.heptaplomeres.de/.

¹³ Malcolm, "Jean Bodin", 148-9.

as the provenance of the manuscript or information transmitted orally, are no longer accessible to us, but make it plausible to privilege this contemporary attribution over other suggestions made in recent years.

If we set the *Colloquium* aside, Bodin published only one work anonymously: the *Recueil de tout ce qui s'est negotié… en l'assemblee generalle des trois Estats*, 1577. This 129-page octavo booklet offered no authorship on the title page nor in the front matter, but plunged into a day-by-day account of the discussions at the 1576 Estates General of Blois, including third-person references to Bodin as the deputy for Vermandois. Its authorship has not been contested: the second edition (coinciding with the next meeting of the Estates General in 1614) labelled it as "*pris des mémoires de M. I. Bodin l'un des deputez*".

Bodin also published pseudonymously at least twice. The *Sapientiae moralis epitome* (Paris: Dupuys, 1588) listed Helias Bodin, Bodin's adolescent son, as the one who had gathered this collection of Latin moral distichs with facing French translation, but it is generally considered to be the work of Jean. ¹⁴ Most interestingly for our purposes, since the late seventeenth century (but perhaps not before then) Bodin has been considered the author of the *Apologie de René Herpin pour la République de Jean Bodin*, first published in freestanding form in 1581 by Jacques Dupuys, then appended to French editions of the *République* starting in 1583. Interestingly, Richard Knolles, translator of the *République* into English in 1606, took at face value the authorship of the *Apologie* by this René Herpin (who is otherwise unknown to the historical record). Indeed, Knolles cited approvingly in his own preface to the English translation from the Latin letter printed in the *Apologie* that Herpin supposedly had received from Bodin explaining why the author would not reply to his critics himself:

So that in defence of him [Bodin], as also of this my Translation, I will use no other Apologie than that which he yet living in few words most mildly used, in an Epistle to a friend of his [that is, Herpin], persuading him not so to put up the matter: Satis opinor, mea me scripta, et vitae ante-actae rationes, ab improborum contumelia vindicabunt: I suppose (said he) my writings, with the course of my fore-passed life, shall sufficiently defend me from the reproach and slander of envious and malitious men. 15

¹⁴ Rose, ed., Jean Bodin. Selected Writings, pp. v-vi.

¹⁵ Richard Knolles, trans., *The Six Bookes of a Commonweale* (1606), preface, in facsimile edition ed. Kenneth D. McRae (New York: Arno Press, 1979), p. [vi].

Thus twenty-five years after the first publication of the *Apologie*, Knolles did not question the claim that the *Apologie* was written by a friend and compatriot of Bodin's to defend Bodin in the face of attacks against the *République*, given the author's unwillingness to do so himself.

The earliest mention of Herpin as a pseudonym for Bodin that I have found so far is in Adrien Baillet, *Jugemens des sçavans* (1685).¹⁶ Baillet is the source given by Vincent Placcius in listing Bodin/Herpin in his dictionary of pseudonymous and anonymous writings of 1708.¹⁷ (Interestingly, neither the *Colloquium heptaplomeres* nor Bodin features in Placcius' discussion of anonymous manuscripts.)¹⁸ Thereafter the Bodin/Herpin identification became standard in modern library catalogues and lists of pseudonymous works. But already in 1584, just three years after the first publication of the *Apologie*, the French bibliography of La Croix du Maine listed Herpin as an "assumed and feigned name", but without identifying Herpin with Bodin himself. The name Herpin figures in the text and the index of Knolles's *Six Bookes* concerning "Philip I of Herpin" purchasing the duchy of Berry for 60 000 crowns in the 15th century, but Knolles does not attempt to draw any connection to a person living in Bodin's day.¹⁹ The

Adrien Baillet, Jugemens des sçavans (Amsterdam: aux dépens de la Compagnie, 1725; first published 1685), V, 329 ("liste des auteurs déguisés"): "Herpin, René: Jean Bodin". Baillet offers no discussion of the attribution.

¹⁷ Vincent Placcius, *Theatrum anonymorum et pseudonymorum* (Hamburg: Liebernickel, 1708), "Pseudonyma", 348: "(1341) HERPIN, René: Jean Bodin. Baillet ibid p. 563". In the shorter edition of his *Dictionarium* in 1674 Placcius mentioned Bodin only to cite the accusation of plagiarism made by Conrad Rittershusius in a letter to Richter, that Bodin had derived his commentary on Oppian's poem on hunting from the lessons of Adrien Turnèbe. Ritterhusius cited Bodin while defending himself against a charge of having adorned with the "feathers of others" a recent panegyric of his own and offers no substantiating detail. "Equidem mirari satis nunquam potui, tam apud veteres Graecos et Latinos, quam superioris seculi Viros magni nominis aliena scripta tota transcripsisse, sine ulla immutatione aut mentione auctorum, pro suis edidisse. Bodinus lectiones Turnebi in Oppianum pro suis vulgavit. Quid Scioppius Giphanio harpagarit, notum est doctis": Georg Richter, *Epistolae selectiores* (Nurnberg: Michael Endter, 1662), 205. Baillet dismissed the charge—at most Bodin took some of Turnèbe's corrections (in edition of 1725: vol. 2, p. 183, paragraph 413).

¹⁸ Placcius, *Theatrum*, offers no indexing of the anonymous works; I have looked for the *Colloquium* in the section on French manuscripts without success. I am grateful to Martin Mulsow for lending his expertise to this search too.

^{19 &}quot;[T]he duchie of Berrie was bought by *Philip* the I of Herpin, for threescore thousand crowns": *Six Bookes of a Commonweale*, trans. Knolles, 667. Knolles seems to have misinterpreted the Latin which describes Philip buying the city of Berry *from* Herpin: "Item Philippum I. Biturigum urbem amplissimam agrumve Biturigensem ab Herpino duce sexaginta millibus aureorum emisse": Bodin, *De republica* (1586), 658. The French text drops the mention of Herpin: "le Duché de Berri ne fut acheté que soixante mil reaux d'or par Philippe premier": Bodin, *République* (1583), 883.

1772 update of the work, with annotations by de la Monnoye, repeated the entry of 1584, while noting the claim of Gilles Ménage (1613–92) that the name Herpin referred to a real person in Angers. But the Herpin/Bodin equivalence was made explicit in another entry of the bibliography: the discussion of Michel de La Serre (in a passage not present in the edition of 1584) notes that Bodin replied to de La Serre's *Remonstrance* under the name of René Herpin.²⁰

Although in the late sixteenth century some contemporaries considered Herpin to be an assumed name (very likely because he was otherwise unknown as an author), they did not identify Herpin with Bodin. Yet there has been no challenge to the notion that Herpin was in fact a pseudonym for Bodin once this claim was first made in the late seventeenth century. I will develop this assumption by analyzing Bodin's use of Herpin and his parallel reliance on an *avis au lecteur* by his printer Jacques Dupuys in the editions of the *République* of 1578–83. I argue that Bodin deployed a two-tiered strategy for replying to critics of the *République*: Bodin reserved for himself a stance as a Latin author reluctant to engage in polemic, while an acolyte (his printer or the supposed friend Herpin) engaged in vehement invective against Bodin's critics in the vernacular.

${\it 3. \,\, Bodin's \,\, Strategy \, for \,\, Responding \,\, to \,\, Critics}$

The *République* was a rapid success from its first publication in 1576, and Dupuys reprinted it within a year. But in 1577 an unauthorized and modified edition was printed in Geneva, with no place of publication nor printer mentioned. Corinne Müller explains how Claude Juge, a major Geneva printer, had requested permission from the council of that city to publish the work, but the council required that the work be revised

²⁰ François de La Croix du Maine, Bibliothèques françoises de La Croix du Maine et de du Verdier (Paris: Saillant et Nyon, 1772), 2: 369: "RENÉ HERPIN qui est un nom supposé & contrefait. II a écrit une bien ample apologie ou réponse pour la république de Jean Bodin Angevin imprimée sur la fin de ladite république des dernières éditions. Note [added in 1772]: Ménage dans ses Remarques sur la vie de Pierre Ayrault p. 143 dit que ce René Herpin étoit un homme de la ville d'Angers. Ainsi quoique ce soit un nom supposé ce n'est pas un nom imaginaire ou fait à plaisir (M de la Monnoye)". The same entry without the note appears in La Croix du Maine, Premier volume de la bibliothèque (Paris: A. L'Angelier, 1584), 436. In 1772 the entry for Michel de La Serre lists his Remonstrance with this further note: "Bodin y repondit sous le nom de René Herpin"; La Croix du Maine, Bibliothèque, 2: 137. But this identification does not appear in 1584 (see there p. 331). On de La Serre see also below, pp. 149, 153–4.

before publication and assigned that task to the respected Geneva pastor, Simon Goulart.²¹ The preface to the Geneva edition (presumably by Goulart) explains that modifications were made to Bodin's text to correct errors of multiple kinds. These included errors of fact concerning the political system of Geneva and its relations with the canton of Bern, and errors of interpretation on the hot topic of the day—the legitimacy of rebelling against a ruler. Goulart took Bodin to task for citing only passages in Calvin and Luther that forbade rebellion, while Goulart adduced passages in which both rather seemed to authorize rebellion. In one of the final paragraphs of his *Institution chrétienne* book IV Calvin suggested that the magistrates though not the people might legitimately rebel against a tyrant; and Luther, as reported by Sleidan, supported rebellion against Charles V.²² Goulart concluded: "Bodin adduces only that which seems to him to support his intention, without considering carefully what one could argue against it".23 Goulart also criticized Bodin's reference to astrological conjunctions to explain the rise and fall of states.

The unauthorized publication of the Geneva edition was obviously traumatic to both author and publisher. It was the first time that Bodin was attacked in print. The *Methodus* of 1566 would elicit criticism from Germans unhappy with Bodin's debunking of the traditional interpretation of Daniel's prophecy on the four empires and the place of the Holy Roman Empire in that genealogy, but that criticism appeared only after the *République* rehearsed Bodin's arguments against the four monarchies a decade later.²⁴ The stakes of the debates surrounding the *République* were also especially high, since they occurred in the midst of civil wars and of the radicalization of political ideas between monarchomach writings on the one hand and pro-Catholic League preaching on the other.

²¹ Corinne Müller, "L'Édition subreptice des Six Livres de la République de Jean Bodin (Genève, 1577): sa genèse et son influence", *Quaerendo* (Amsterdam) 10:3 (1980): 211–36.

²² Sleidan, *Histoire de l'état de la religion* (1558), 220 as cited in Müller, "L'Édition": 229.

 $^{^{23}}$ "C'est que Bodin allegue seulement ce qui luy semble convenir à son intention, sans considerer exactement ce qu'on pourroit bien dire au contraire": Bodin, *République* (1577), sig. *4r.

²⁴ Bodin is my source for this point: "Ceste opinion de Bodin [que la prophetie de Daniel ne se peut accommoder à la Monarchie des Romains...ny que l'Empire d'Alemaigne, soit la Monarchie des Romains] a depuis esté suyvie de plusieurs personnes, et mesmes de plusieurs Allemans... et ne s'est trouvé personne qui ait escrit au contraire, iusques à ce que Bodin à [sic] publié sa republique, où il escrit, qu'il ne faut pas s'arrester au dire de Luther...": *Apologie* (1583), fos. 5vo–6.

These political tensions would affect editions of the *République* in French and Latin through the $1590s.^{25}$

Bodin and Dupuys took action immediately in the third authorized edition of the *République* in 1578 (which Dupuys acknowledged was actually the fourth edition, if one counted the unauthorized Geneva edition). In addition to the original French preface by Bodin to Guy du Faur de Pibrac, *conseiller du roi en son privé conseil*, Bodin added an *epistola* to the same. This Latin letter to his patron was the only text in Latin in a book which Bodin had quite deliberately chosen to write in French, as he explained, because Latin learning was running dry during the period of wars and because he wanted to be understood by his ordinary countrymen ("Français naturels").²⁶ The anomaly of the intruding Latin letter was ostensibly explained in the piece of front matter immediately following the *epistola*. In an *avis au lecteur* the printer Jacques Dupuys railed against the unauthorized Geneva edition for undercutting his own legitimate one to line the pockets of the printer Claude Juge, whom Dupuys called an erstwhile draper who had dabbled in alchemy. Dupuys lashed out with sarcasm:

This reverend master [the Geneva printer Juge] has been so courteous toward both author and printer that, after seeking to steal honor from the first and profit from the second, he has tried to convince you that he has corrected the errors of both. As for the author [Bodin], I believe that he has pen in hand to respond when it pleases him to. That fact notwithstanding I have still wanted to include a Latin epistle that he sent to Monsieur de Pibrac, which I recovered by an intermediary [par moyen], to erase the opinion that those [Geneva] boasters have tried to impress on your brain.²⁷

²⁵ For an entry into this broader context, see Mack Holt, *The French Wars of Religion*, 1562–1629 (Cambridge: Cambridge University Press, 1995); and J. H. Burns and Mark Goldie eds., *The Cambridge History of Political Thought*, 1450–1700 (Cambridge: Cambridge University Press, 1991), caps. 7–10.

²⁶ "C'est pourquoy de ma part ne pouvant rien mieux, i'ay entrepris le discours de la Repub. et en langue populaire, tant pour ce que les sources de la langue Latine sont presque taries, et qui seicherot [sic for seicheront] du tout si la barbarie causee par les guerres civiles continue, que pour estre mieux entendu de tous François naturels": Bodin, *République* (1583), sig. aij vo.

^{27 &}quot;Ce maistre reverend a esté si courtois...envers l'auteur et libraire, que ayant pretendu voler l'honneur à l'un et le profit à l'autre, s'est efforcé à vous faire entendre, qu'il a corrigé les fautes de tous deux: quant à l'auteur, je croy qu'il a plume en main pour s'en resentir quand bon luy semblera. Ce nonobstant i'ay encore bien voulu mettre une epistre Latine qu'il a envoyé a monsieur de Pibrac, laquelle i'ay recouvree par moyen, pour effacer l'opinion que ses beaux advertisseurs se sont efforcez vous imprimer au cerveau": *République* (1583), sig. eij (passage first published, 1578).

Thus Dupuys suggested that he had procured and published on his own initiative this private letter from Bodin to du Faur de Pibrac, which was ostensibly written to congratulate the latter on his recent promotion to the office of *président à mortier* of the Paris Parlement.

It is clear, however, that Dupuys was operating in concert with Bodin. For one thing, Dupuys remained Bodin's choice of printer for the rest of the printer's career, so he certainly had done nothing to anger Bodin, as would have been the case if he had published a private letter of Bodin's without the author's consent.²⁸ Furthermore, the combination of Bodin's Latin letter and Dupuys' French avis formed a double strategy in which French invective by the printer settled the score for all to see, while Bodin himself offered a learned, unemotional response to a few broad criticisms in Latin to emphasize his membership of the international community of scholars. In his epistola Bodin first responded to the criticism of the learned Jacques Cujas (1520-90), a rival lawyer with whom Bodin had been hostile since his student days and who had attacked him for criticizing a grammatical approach to the law. Bodin upheld his original critique, but graciously conceded that he too used to believe in the grammatical approach, before he experienced the value of legal practice.²⁹ Bodin used the *République* to reinforce his position against Cujas,³⁰ but the tension

²⁸ Dupuys printed all the first editions of the works that Bodin explicitly authored (and one published under the pseudonym of Bodin's son) from the *République* (1576) down to the end of his activity in 1589 (on his date of death see http://www.lycosthenes.org/dupuis. html): *Sur le rehaussement et diminution des monnaies* (1578, a revised and augmented version of the *Response... au paradoxe de Malestroit* of 1568), *Iuris universi distributio* (1578), *Démonomanie* (1580), *Apologie de René Herpin* (1581), *Sapientiae moralis epitome* (1588).

²⁹ "Si tamen error veniam meretur, Cuiacium quodammodo venia dignum putem, cum ipse in eodem errore fuerim, de quo quidem confiteri non pudet. Fuit enim tempus illud, cum populi Romani iura publice apud Tolosates docerem, ac valde sapiens mihi ipsi viderer in adolescentium corona...Postea vero quam in foro iurisprudentiae sacris initiatus, ac diuturno rerum agendarum usu confirmatus sum, tandem aliquando intellexi non in scolastico pulvere, sed in acie forensi: non in syllabarum momentis, sed in aequitatis ac iusticiae ponderibus veram ac solidam iuris sapientiam positam esse: eos autem qui forenses literas nesciunt, in maxima Romani iuris ignoratione versari": "Epistola", République (1583), sig. [a7]-vo (first published 1578). Cujas was older than Bodin, but moved in the same circles, having studied at Toulouse and taught Guy du Faur de Pibrac, the powerful Toulouse nobleman whose patronage Bodin also sought, notably in the dedication of his République. Cujas's nineteenth-century biographer calls Bodin a sworn enemy of Cujas's and responsible for mounting a cabal to prevent the latter from being named for a professorship at Toulouse. On Cujas as teacher of Guy du Faur de Pibrac, see Alban Cabos, Guy du Faur de Pibrac, un magistrat poète au XVIe siècle (Paris: Champion and Auch: Cocharaux, 1922), 24-5; on the enmity of Bodin, see Jacques Berriat-Saint-Prix, Jacob Cujas und seine Zeitgenossen (Leipzig: J. F. Hartknoch, 1822), 134-5.

³⁰ See the additions made to the 1583 edition discussed in note 53 below.

between a grammatical approach to the law and one based on more recent experience and examples, as favoured by Bodin, was a long-running intellectual debate rather than the hot political issue of the day. Next in his Latin letter, Bodin addressed the criticism (which he did not attribute to anyone in particular) that he had assigned too much power to the sovereign at the expense of the people.³¹ Bodin denied the charge by referring to his recent interventions at the Estates General of 1576 in which he objected to the alienation of crown property, thus acting in the interest of the people against the will of the sovereign himself. After shifting curiously to the third person to describe his interventions at the Estates General (mimicking his account of the meeting in the anonymously published *Recueil*), Bodin also added bitterly that his political stand had cost him a position of *maître des requêtes* that he claimed the king had designated for him.³²

In this Latin epistle, accessible to only some of the readers of the French *République*, Bodin defended himself without attacking his most recent enemies and rehashed the recent personal trauma of his loss of influence at court. The sharp attacks on the Geneva printer and editor were left to Dupuys' French *avis*. *Epistola* and *avis* appeared together in the two further editions of the *République* printed by Dupuys in 1580 and 1583, but the *avis*, with its explicit hostility to Geneva, was dropped from the Lyon editions (1579/80, 1587, 1593, 1594), probably in order to help these

³¹ "Miror tamen esse qui putent unius potestati tribuere me plus aliquantum, quam deceas [for deceat] fortem in Republica civem, cum alibi saepe, tum vero libro primo, capite octavo nostrae Reipublicae, eos ego qui de iure fisci ac regalibus amplificandis scripsere, sententias primus omnium, et quidem periculosissimus [sic for -is] temporibus refellere non dubitarim, quod Regibus infinitam supraque divinas et naturae leges tribuerent potestatem: quid autem magis populare quam quod scribere ausus sum, ne regibus quidem licere, sine summa civium consensione, imperare tributa?" "Epistola", *République* (1583), sig. [a8]-vo.

^{32 &}quot;Cum vero praedia publica sub hasta vendere et quidem alienatione sempiterna, ac tributa duplicare specie levandae plebis propositum esset, idque modis omnibus tentaretur, nos tanto studio intercessimus, ut cum nihil obtineri potuisset, Rex ipse Homaro Burdegalensium Praeside, Dureto Praeside Molineorum, Ripuario Aquitaniae sindico, ac plerisque aliis audientibus dixerit, Bodinum ab eius commodis non modo dissentire, verumetiam collegarum voluntates ac studia a se avertere consuesse. . . . Ex eo tamen quantum detrimenti meis rationibus allatum sit, satis intelligunt, qui saepius audierunt libellorum in regia magistrum me designatum, a principe antea fuisse": "Epistola", République (1583), sig. ei-v. For some discussion of this epistola and partial translation, see McRae ed., Six Books, "Introduction", A71–72. But Mark Greengrass has pointed out that avocats such as Bodin were not usually appointed maître des requêtes. So this claim about a lost opportunity may constitute a form of wishful thinking and self-promotion, which resembles Bodin's later claim that he had been disappointed of the post of maître des requêtes in Alençon's household.

editions sell in nearby Geneva, and *a fortiori* from the last French editions, which were printed in Geneva in 1599, 1608 and 1629.³³

The *République* also elicited criticism from other quarters than Huguenots keen on justifying rebellion. In 1579 one Michel de La Serre published a polemical *Remonstrance au Roy* in which he accused Bodin on the contrary of offering tacit support for the monarchomachs and of inviting foreign intervention into French affairs.³⁴ This charge that Bodin was a monarchomach sympathizer was far more serious than the Genevan concern that Bodin was not favourable enough to the possibility of rebellion. We catch a glimpse of the appeal for redress that Bodin probably made directly to the king through his recounting of the punishment that the king ordered for de La Serre. And refuting the critique of de La Serre was Bodin's first goal in publishing the *Apologie*, initially, in 1581, as a separate work of 88 pages, which then became a standard appendix to editions of the République starting in 1583. The Apologie de René Herpin pour la Républicque de I. Bodin first addressed criticisms by de La Serre, then those of André Frankberger (on the prophecies of Daniel) and Pierre de l'Ostal (on arithmetic, geometric and harmonic ratios) before devoting the bulk of the page count to Auger Ferrier, a former friend whose criticisms of Bodin's astrological computations angered Bodin especially.³⁵

The *Apologie* engaged in a tactic similar to the combination of Latin letter and French invective by someone other than Bodin in the front matter of editions of the *République*. The *Apologie* was couched as the work of a friend and compatriot of Bodin, René Herpin, who was indignant at the attacks on Bodin and at Bodin's lack of response. To explain his motivation Herpin reproduced a Latin letter which Bodin had supposedly written

³³ I rely on the precise descriptions of Crahay et al., eds., Bibliographie critique, 105–40.

³⁴ Remonstrance au Roy concernant les pernicieux discours contenus au livre « de la republique » de Bodin (Paris, Fédéric Morel, 1579). The complete absence of further information and Bodin's own way of referring to him—"un certain personnage, qui se fait nommer de la Serre" (Apologie in République (1583), fo. 4)—suggest that the name may be a pseudonym.

³⁵ In the Apologie as appended to République (1583) see fos. 4–5vo on de La Serre, fos. 5vo–10 on André Frankberger and other Germans, fos. 10–12 on Pierre de l'Ostal, and fos. 12–42 on Auger Ferrier. Bodin was responding to Andreas Franckenberger, De amplitudine et excellenti historiae propheticae dignitate (Wittenberg: Gronenberg, n.d. [ca. 1580]); Pierre de l'Ostal (or Hostal), Discours philosophiques, en nombre dix neuf, esquels est amplement traité de l'essence de l'âme et de la vertu morale (Paris, Jean Borel, 1579); and Auger Ferrier, Advertissements à M. J. Bodin sur le quatrième livre de sa République (Toulouse: Colomiès, 1580), or Advertissemens a M. Jean Bodin sur le quatriesme livre de sa Republique (Paris: Pierre Cavellat, 1580). See Mario Turchetti, «Jean Bodin, » Stanford Encyclopedia of Philosophy, http://plato.stanford.edu/entries/bodin/.

to him in response to his (and other friends') urging Bodin to reply to his contumacious critics. This is the letter that Knolles cited at face value in 1606. Whereas Herpin raged about the affront to Bodin's honour—that good which is more precious than life itself—in the Latin letter Bodin detached himself from replying to his critics, explaining:

I am surprised at you, Herpin, who are adorned by doctrine and nature so well, that you urge your friends to this contentious type of writing which is hardly praiseworthy and is often abused—I have seen no one use it in moderation. You should rather be exhorting me to the patience and modesty that accompanies true honor. Why not bear patiently the just reprehension of friends or foes?

Bodin went on to opine (as Knolles quoted in Latin and translated admiringly): "I suppose that my writing with the course of my previous actions shall sufficiently defend me from the reproach and slander of envious and malicious men".³⁶ In other words, Bodin explained that he did not fear unfair attacks, since he was confident that his actions and past writings would vindicate him.

But Herpin criticized Bodin's stance of aloofness, developing over the next few pages a history and theory of honour that justified rebutting Bodin's critics with vehemence. First, Herpin pointed out that authors can never defend their own selves well, which is why French law wisely decreed that no person should plead his own case. Indeed Herpin explained:

it is hard for someone who is defending his honour (which is worth more than the benefits of life) not to be transported by violent passions or forced to do things which one cannot say without blushing with shame, and especially when honour is at stake, which we treat differently from the ancients.

^{36 &}quot;Si Bodin eust voulu prendre sa cause en main, pour defendre son honneur, je n'eusse pas mis la main à la plume.... l'ay pensé que le tort m'estoit fait, estant du mesme pays et son amy: et me suis resolu de dresser une Apologie s'il ne voulait luy mesme se defendre. Et n'ayant la commodité de parler à luy, ie l'ay adverty par lettres, comme plusieurs autres, qu'il gardast la chose de ce monde la plus precieuse, c'est à sçavoir, l'honneur, mais il en a tenu si peu de compte qu'...il m'a respondu par ses lettres du mois de Mars, ce que s'ensuit: 'Ego vero miror te Herpine, qui optime a doctrina, melius etiam a natura subornatus es, amicos urgere ad hos [for hoc] contentiosum, minimeque laudatum scribendi genus, quo quidem plerosque saepius abuti, sed qui moderate pro seipso uteretur vidi neminem. Ad patientiam, et eam, quae verum decus in se ipsa complectitur, modestiam cohortari potius debuisses. Sive enim amicorum, sive inimicorum iusta reprehensio est, cur non patienter feremus?.... Satis opinor, mea me scripta, et vitae anteactae rationes, ab improborum contumelia vindicabunt'": *Apologie* in *République* (1583), fo. 2–2vo. Bodin also stressed the importance of honour in his own voice: see for example the disquisition on honour in *République*, V.iv: (1583), 729 sqq.

Herpin was conscious of the rules concerning honour having changed since ancient times; in particular, he implied, boasting about oneself was now considered shameful.³⁷ Herpin also reflected on the development over time of strictures against personal attacks:

[In times past] poets and players [*joueurs de farces*] spoke ill of people by name, causing so many quarrels that speaking ill of others was forbidden in harsh terms, so that everyone took care not to write against the honour of individuals. But when it comes to defending Religion against atheists or the commonweal against its oppressors, piety toward God on the one hand and love of country on the other hand have always excused those who guard jealously the honour of God or the commonweal. For, as Theophrastus said, it is hard for a good man not to speak ill of those who are evil.³⁸

Thus a vitriolic attack on heresy or sedition might be justified, but only in defence of true religion or government; despite this caveat Herpin none-theless went on to condemn acerbic criticism.³⁹

The earliest authors, Herpin observed, among both the Greeks and the Hebrews, were considered "as holy and inviolable". To illustrate this point Herpin told the story of Zoilus, which Bodin also mentioned elsewhere: having written against Homer, Zoilus was precipitated to his death from the Schirronidean rock. "Though many found some of his criticisms well founded, it was considered inexcusable to attack such a person [as Homer] who was like an honoured patron to all peoples and princes". ⁴⁰ Although

³⁷ "Combien qu'il est mal aisé de s'en acquiter en son propre fait et… parce qu'il est mal aisé, que celuy qui defend son honneur, (qui est plus cher que les biens de la vie) ne soit transporté de passions violentes, ou bien qu'il ne soit contraint de faire beaucoup de choses, qu'on ne peult dire sans rougir de honte, et principalement, quand il est question de l'honneur, qui se traite autrement que les anciens ne faisoient": *Apologie* in *République* (1583), fo. 3.

[&]quot;Car quand la licence de mesdire, de laquelle usoient les Poëtes, et Ioueurs de farces, en nommant un chacun,... pour les querelles qui en advenoient, fut defendue sur grandes peines, et rigoureuses, chacun se gardoit bien d'escrire contre l'honneur de personne: mais quand il fut question de defendre la Religion contre les Atheistes, ou la Republique contre les oppresseurs d'icelle, la pieté envers Dieu d'un costé, et l'amour de la patrie en l'autre a tousiours excusé les hommes ialoux de l'honneur de Dieu, et du bien public. Car comme disoit Theophraste, il est bien difficile que l'homme de bien s'abstienne de mesdire, parlant des mechans": *Apologie* in *République* (1583), fo. 3.

³⁹ In the *Methodus* Bodin also warns against speaking ill (or well) of people by name; the good historian will only praise or blame someone who is dead: "nullius vero nisi mortui nomen laude prosequitur aut vituperatione": Bodin, *Methodus ad facilem historiarum cognitionem* (Paris, 1572), 101. Following his own advice, he refused to name a historian whom he criticised on p. 67; yet on other occasions Bodin both criticised and praised the living by name.

⁴⁰ "Quand aux escrits des premiers autheurs, ils estoient comme saincts et inviolables. Car mesmes quand il advint à Zoile d'escrire un livre contre l'honneur d'Homere,... pour

few French authors referred to Zoilus, this figure featured in many early modern English writings as the archetype of the envious critic; perhaps Bodin picked up the reference while in England, though it was retold also in a few major Latin reference works of the time.⁴¹ Herpin attributed the beginnings of contumacious criticism to Aristotle (Bodin's favorite whipping boy), who was the first to violate "the laws and religion of honour" and was criticized "by all the academicians for having not only wrongly criticized their master [Plato] but also calumniated him".⁴²

This accumulation of examples of critics, characteristic of Bodin's mode of argumentation on many topics, culminated in the conclusion that the state should protect learned men from unfair criticism because of their value to the common good.

Although one who treats a science may attack the impiety of the wicked with acerbic words, or the error of those who have failed, with the modesty appropriate to men of letters. Nonetheless it sets a bad and pernicious example to attack the honour of learned men, under pretext of some mistake, and to heap on them contumacious words in the manner of Pedants,

cette cause principalement il fut precipité du haut de la roche Schirronide. Et iaçoit que plusieurs trouvoient ses reprehensions fondees en quelques raisons, si est-ce qu'il fut trouvé inexcusable d'attenter à un tel personnage, qui estoit à tous les peuples et Princes, comme un patron d'honneur": *Apologie* in *République* (1583), fo. 3. The *Oxford Latin Dictionary* (s.v. Scironius) reports that the Scironic rocks were "cliffs on the road from Athens to Megaris over which Sciron [a local brigand] was said to have kicked his victims".

⁴¹ Frederick Tupper, "The Envy Theme in Prologues and Epilogues", Journal of English and Germanic Philology 16:4 (1917): 551-72, especially 566-71 (he notes the association of Zoilus and Momus). A search for Zoilus in the EEBO (Early English Books On-line) database turned up 689 hits in 388 works between 1522 and 1700. By contrast a similar search yielded only two occurrences in the more selective collection of French texts in the ARTFL (American and French Research on the Treasures of the French Language) database: in Bodin's Apologie and in Joachim du Bellay, L'Olive (1549), 7: "A peu que je ne leur fay la responce que fist Virgile à un quiddam Zoile, qui le reprenoit d'emprunter les vers d' Homere. J'ay (ce me semble) ailleurs assez deffendu l' imitation". Latin references include: Erasmus, Adagiorum chiliades quatuor (Basel: Froben, 1551), 490, adage II.v, 8 ("Zoili"); Caelius Rhodiginus, Lectiones antiquae (Basel: Froben and Episcopius, 1542), book 21, cap. 41; Theodor Zwinger, Theatrum humanae vitae (Basel: Oporinus, 1565), 944 (under the heading of "libertatis nimiae in reprehendendo poena", punishment of excessive liberty in criticising); but none of these contains the detail present in Bodin. The Suda Lexicon was the likely source for the precipitation from the rock, whether Bodin consulted it directly (for example in the Latin edition of Basel, 1544) or learned the story from an intermediate source. See Suidas, nunc primum integer Latinitate donatus (Geneva: Petrus et Jacobus Chouet, 1619), s.v. "Zôilos" (p. 1131). My source was Laurentius Beyerlinck, Magnum theatrum humanae vitae (Lyon: Huguetan, 1631), E77f ("eloquentia") and P440b ("poena") which contain the details in Bodin and list the Suda as the source.

⁴² "Le premier qui viola les loix et religion d'honneur fut Aristote, lequel a esté blasmé de tous les Academitiens, d'avoir non seulement repris son maistre a tort, ains encores, de l'avoir souvent calomnié": *Apologie* in *République* (1583), fo. 3vo.

as reward and repayment for their labour: in which the Commonweal has a notable interest: and this is even more true if one attacks honour through defamatory libels, as one man who has himself called de La Serre has done some six or seven months ago against the République of Bodin.⁴³

Bodin had referred to de La Serre in the Latin letter inserted in the *Apologie*, noting simply that for attacking Bodin that critic was punished more severely than the former could have hoped. A few pages later Herpin writing in French spelled out in detail a story of authorial vindication by the Crown of which Bodin must have been very proud—so proud that he could not tell it in his own voice lest he appear immodest:

Two calumniators who never stopped barking in public against the République went to the King to have the work forbidden; the King had the seigneur d'Oron, Royal Reader, who had read the République of Bodin, tell them that if they had something to say against Bodin, they should put it in writing, so that it could be judged. Instead of their doing so, someone named de La Serre had a little booklet printed which he dedicated to the King. Having read it and recognized the gross calumnies it contained, the King asked the civil lieutenant to imprison de La Serre and signed the decree in his hand, and forbade the printer, on pain of death, to display the book for sale.⁴⁴

But de La Serre's pamphlet was most likely available for sale nonetheless—certainly copies survive—and Bodin admitted elsewhere that de La Serre got off without imprisonment, paying only a fine.

⁴³ "Car combien que celuy qui traite quelque science peut blasmer l'impieté des meschans avec acerbité de paroles, et l'erreur de ceux qui ont failly, avec telle modestie qui appartient aux hommes de lettres. Si est ce, que c'est chose de mauvais et pernicieux exemple, de blasmer l'honneur des gens doctes, sous ombre de quelque faute, et les charger de paroles contumelieuses à la forme des Pedantes, pour loyer et salaire de leur travail: en quoy la Republique a notable interest: et beaucoup plus si on vient attenter à l'honneur par libelles diffamatoires: comme a fait depuis six ou sept mois contre la Republique de Bodin un certain personnage, qui se fait nommer de la Serre": *Apologie* in *République* (1583), f. 4. Bodin also stressed the importance of protecting writers from unfair attack in the *Methodus*: "Interest enim Reipub. iudicia de scriptoribus qui in publicum exeunt, incorrupta minimeque depravata videri: ne cum alienae industriae modum ponere volumus, optimos quosque a scriptione deterreamus": *Methodus* (1572), 54.

^{44 &}quot;[P]eu auparavant deux calomniateurs, qui ne cessoient d'abayer [sic] publiquement contre ceste Republique, avoient esté par devant le Roy pour la faire defendre, le Roy leur fit dire par le seigneur d'Oron, Anagnoste Royal, qui avoit leu la Republique de Bodin, et que s'ils avoient quelque chose à dire contre luy, qu'ils le couchassent par escrit, pour en faire iugement. Au lieu de ce faire, apres un nommé la Serre, fist imprimer un petit livret, qu'il dedia au Roy. Le Roy l'ayant leu, et cognoissant les calomnies si grossieres, qu'on y void le iour au travers, il manda au Lieutenant civil, que la Serre fut mis en prison, et signa le decret de sa main, avec defenses à l'Imprimeur, sur la vie, d'exposer en vente son livret": *Apologie* in *République* (1583), fo. 4.

In the persona of the ideal learned author, modest, moderate and uninterested in polemic, Bodin wrote that de La Serre was punished more than he could have hoped (interestingly the modest author could still acknowledge hoping for his critic's punishment).⁴⁵ But in the preface to the *Démonomanie* Bodin told the same story only to express resentment that de La Serre had got off lightly whereas he deserved the fate of Zoilus himself: death for his contumaciousness.⁴⁶ In the preface of the *Démonomanie* Bodin forestalled any criticism by noting that the only critics the work might encounter would be sorcerers seeking to defend themselves.⁴⁷ And in his *Réfutation des opinions de Jean Wier*, appended to the *Démonomanie*, Bodin did not shy away from vitriolic attack. In this case he presumably felt confident that his vitriol was of the acceptable kind because it was directed against the wicked in defence of true religion.

Bodin had one more opportunity to respond to attacks on the *République* in the Latin version that he himself prepared in 1586; but that preface followed the patterns of the moderate Latin Bodin without responding to the political criticisms from Geneva or de La Serre. Instead, Bodin addressed the criticisms he had expected to receive in earlier works concerning the length of his work: some might find it too bulky, while others might find his treatment of certain topics too brief.⁴⁸ In doing so he returned to a

⁴⁵ "Quanquam Serranus ille qui in audito genere scribendi, ac probris inusitatis libellum complevit, ipsius principis iussu poenas graviores dedit, quam optare potuissem": Bodin's letter in *Apologie* in *République* (1583), fo. 2vo.

^{46 &}quot;[C]e petit present lequel, s'il vous est aggreable, ie m'asseure si i'ay encores quelque malveillant, qu'il ne sera pas si mal advisé, que fut n'a pas long temps quelqu'un, que ie ne veux nommer pour son honneur, lequel dedia au Roy un libelle contre la Republique que i'ay mis en lumiere. Mais si tost que le Roy eut remarqué les propos calomnieux de cest homme-là: Il le fist constituer prisonnier, et signa le decret de sa main, avec deffenses sur la vie d'exposer son libelle en vente. Toutesfois il en est demeuré quitte pour une amende honorable: mais s'il eust esté de plus sain iugement, il eust merité la peine que Zoile receut pour un present pareil qu'il fist à Ptolemee Philadelphe Roy d'Aegypte": *Démonomanie* (1580), dedication, sig. aijvo—aiij.

^{47 &}quot;Or ie n'espere pas que personne escrive contre cest oeuvre, si ce n'est quelque Sorcier qui deffende sa cause: mais si i'en suis adverty, ie luy diray ce qu'on dict en plusieurs [lieux] de ce royaume [et] à ceux qui sont suspects d'estre Sorciers, d'autant loin qu'on les voit sans autre forme d'iniure ou crie à haute voix, IE ME DOUBTE, afin que les charmes et malefices de telles gens ne puissent offenser": *Démonomanie* (1580), dedication, sig. aiij.

⁴⁸ "Duo tamen sunt reprehensorum inter se dissidentium genera: alteri omnem de Republica quaestionem brevius terminari potuisse putant: alteri sine flagitio quicquam praetermitti debuisse negant. At cum singula quae sunt infinita contemplaremur, plurima nobis omittenda fuerunt, ut universa, id quo artium tradendarum proprium est, complecteremur. Iam enim pridem adolescens contritum illud a philosophis acceperam, nullam rerum singularum scientiam haberi": *De republica* (1586), Bodinus Iacobo Duvallo, sig. aijvo.

theme present in the dedications of the French *République* and of the *Methodus*, in which Bodin addressed the potential criticism that his book was too long. It was not too long, he observed, when compared with the 6000 books of grammar by Diomedes, given the greater scope and significance of his topic. 49

In cultivating in Latin the persona of the moderate learned author while entering the fray of vernacular political polemic through the voices of others, Bodin displayed careful skill in shaping the reception of his works and the construction of his personal reputation.⁵⁰ A further manifestation of Bodin's sense of himself as an author which might reward study, though it is less clear how self-conscious it was, concerns his use of personal pronouns. In his dedications and here and there throughout his works Bodin regularly adduced personal experience (as studied by Greengrass in this volume) and motivation by speaking in the first person singular; but occasionally Bodin used the first person plural instead, notably to describe the actual process of writing or revising a work, as in the preface to the Latin *Republica*.⁵¹ Bodin also referred to himself in the third person as an

⁴⁹ Compare the following: "En quoy, peut estre, il semblera que ie suis par trop long à ceux qui cherchent la briefveté: et les autres me trouveront trop court car l'oeuvre ne peut estre si grand, qu'il ne soit fort petit pour la dignité du subiet qui est presque infini": *République* (1583), "Preface", sig. aiij (first published 1576). "[Q]uae disputatio si nimis ampla cuiquam ac diffusa videbitur, cogitare debebit, ea quae nullum exitum habent, cuiusmodi est historia rerum humanarum, non posse brevi methodo contineri, quod si Galenus de sola methodo suae artis, quae certis regionibus concluditur, libros plusquam xxx Diomedes vero de re grammatica sex millia librorum effudit, profecto non debet id quod de universa historia scripsimus, copiosum videri": *Methodus* (1566), dedication, sig. **aiij.

⁵⁰ A later example of a similar tactic, but with no shift in language, occurs in Jan Machielsen's study of the two works published by the Jesuit Martin Delrio attacking Joseph Scaliger (in response to earlier polemics): the learned and moderate *Vindiciae areopagiticae* (Antwerp: Moretus, 1607) and the more trenchant *Peniculus foriarum* (Marburg: apud Haeredes Matthianos, 1609) published under the pseudonym Liberius Sanga Verinus and a false imprint. The latter lists all the insults that Scaliger used against Delrio in order to refute them and adds a list of pejoratives used against Scaliger, one for each letter of the alphabet from "Aerugo mera" (bitter envy) to "Zoilus". See Jan Machielsen, "Demons & Letters; Aspects of the Life and Works of Martin Delrio (1551–1608)" (DPhil thesis, Oxford University, 2010) 296–98, 304–7. I am grateful to Jan Machielsen for this valuable comparative reference.

⁵¹ "Quae [threat of shipwreck of the state] me causa impulit hoc quicquid est quod de Republica conceperam, meis popularibus posteaquam a bellis paululum conquievissent, edere ac proponere ad intuendum.... [persuaded to compose version in Latin] Igitur interpretandi religione soluti, nonnulla detraximus, plurima emendavimus, plura etiam adiecimus, et ea quae de iure maiestatis, deque magistratuum officiis, imperio, potestate: quae item de iure foeciali [for "foedali"] minus accurate, vel obscure scripta videbantur, facilioribus illustravimus et rationibus et exemplis, caput etiam integrum, quod res ita postularet, de ordinibus civium disputationi de corporibus et collegiis subiunximus": *De republica* (1586),

actor on the political stage (in the *Recueil* and passages reporting on the Estates General in the *République*)⁵² and, strikingly, in a few additions concerning his criticism of Cujas first made in the *République* of 1583.⁵³ Do these third-person references to Bodin's disagreements with Cujas result from his displeasure at engaging directly (for example with first person pronouns) in a scholarly dispute? Or do they, along with the use of 'we' in describing the process of writing the *Republica*, offer a clue that Bodin might at some points have worked with the help of others?⁵⁴ More interesting still would be to ascertain what impact Bodin's choices of pronouns had on near-contemporary readers (including whether they went completely unnoticed). Even in the absence of evidence about the impression made on readers by his choices, we can certainly observe Bodin at work in shaping the reception of his works and reputation through the use of multiple voices and personae throughout his numerous writings.

dedication, sig. aij-vo. Similarly, in the dedicatory epistle to the *Methodus*, Bodin shifted to the first person plural at various points when he described his work; see *Methodus* (1572), 4, 7, 8, 10.

⁵² See the passage in the "Epistola" to the *République* (1583) cited above, note 31.

^{53 &}quot;Depuis la premiere edition de ce livre, le Docteur Cujas ne pouvant nier que cest erreur ne fust notable, d'appeller les iours d'assignation, et jours prefix dies fatales, s'est efforcé de faire entendre à ses disciples que Bodin n'a pas corrigé la faute du mot, kurias hêmeras au lieu de kêrias hêmeras, qui toutefois se lit en toutes les editions des authentiques imprimees depuis cinquante ans....": République, III.vi (1583), 468–9. See also Bodin's argument with Cujas over "deductis aetatibus"—an ancient law concerned about the age of houses, not their size as Cujas maintained. "Depuis la seconde edition, Bodin a esté adverti que Cuias s'est opiniastré en son interpretation, par laquelle il veut qu'on estime les edifices à l'aune": République, IV.ii (1583), 545.

⁵⁴ On the role of amanuenses and other helpers in the work of early modern scholars see Ann Blair, *Too Much To Know: Managing Scholarly Information Before the Modern Age* (New Haven CT: Yale University Press, 2010), 102–12.

CHAPTER SEVEN

BODIN IN THE NETHERLANDS

Jan Machielsen*

Much like the constitution of the Holy Roman Empire, discussed in the chapter by Robert von Friedeburg, the political system of the Republic of the Seven United Provinces did not readily conform to the demands of Bodinian political theory. Historians, most notably Martin van Gelderen, have stressed the distinctive character of Dutch political thought. Bodin's concept of indivisible sovereignty was a foreign idea, propagated in the Republic only, or so it seems, by foreigners. Neither a democracy, an aristocracy, nor a monarchy, the Republic was the quintessence of the "mixed" form of governance that Bodinian political thought disallowed. This chapter will not chart the long-term reception of Bodin's ideas in the Low Countries, where they did not in the long run find fertile ground. Rather, it will examine evidence of Bodin's influence on two political pamphlets of the late 1570s. It will also explore *Bodin's* reception of the Revolt, as an eye witness at its most crucial stage when the rebels gave up on the idea that a new sovereign could be found.

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¹ In Martin van Gelderen's classic study, the influence of Jean Bodin is limited to figures around the Duke of Anjou and the Earl of Leicester: Martin van Gelderen, *The Political Thought of the Dutch Revolt, 1555–1590* (Cambridge: Cambridge University Press, 1992), 180, 203. Following Quentin Skinner, Van Gelderen argues that the distinction between the political theories of Bodin (and others) and the political thought implicit in Dutch pamphlets is a false one: *Political Thought of the Dutch Revolt, 3–4.* For the same point, but with a very useful distinction between political thought in theory and practice: M. E. H. N. Mout, "Van arm vaderland tot eendrachtige republiek: De rol van politieke theoriën in de Nederlandse Opstand", *Bijdragen en mededelingen tot de Geschiedenis der Nederlanden* 101 (1986): 345–65, especially 348 and her conclusion on 365 that the speed of events meant theorists (such as Justus Lipsius) were always one step behind.

Crucially, however, these events were not on the horizon when, in the summer of 1576, the privilege for the publication of Bodin's *Les Six livres de la république* was granted.² Although Bodin was certainly not blind to the events that unfolded across the border from Laon where he had just married and would in due course reside, few would have dreamt of or foreseen the rejection of a king that was gradually to take place there—at least, few outside the two rebel provinces of Holland and Zeeland.³ Yet, by November, the fifteen loyalist provinces had made common cause with the rebels against mutinous Spanish soldiers. Unity proved short-lived; among the many called upon to help preserve it was Bodin's patron, the Duke of Anjou. Anjou's first attempt during the second half of 1578, as "Defender of the Liberty of the Netherlands", proved a miserable and short-lived failure.⁴ His second attempt in 1582–83 saw him elected Duke of Brabant and Count of Flanders. This stay was more durable but memorable only for the wrong reasons.⁵

It was as a member of Anjou's entourage during this second period that Bodin met William of Orange and Philip Marnix, Orange's councillor and propagandist. With Orange, Bodin discussed the recent attack on the Prince's life and pondered explanations of the latter's survival, in his forty-ninth year, as well as the recent death of the Prince's wife, in her thirty-sixth year, in terms of number mysticism. He observed that the attack had deprived Orange of his sense of taste. When Anjou made his Joyous Entry into Ghent in August 1582, Bodin discussed with the people their ill-fated 1539 rebellion against Charles V: "the Emperor's judgment [of the

² Jean Bodin, *Les Six livres de la république* (Paris, 1576), sig. āıvo. The privilege was granted on 12 August 1576. All future references, unless otherwise indicated, are to the 1576 edition.

³ Amongst Bodin's contacts were one "marchant d'Anvers" and a "chevalier Espaignol": Bodin, *République* (1576), 632, 130.

⁴ Mack P. Holt, *The Duke of Anjou and the Politique Struggle during the Wars of Religion* (Cambridge: Cambridge University Press, 1986), 93–112; Geoffrey Parker, *The Dutch Revolt* (Harmondsworth: Penguin, 1979), 191–92.

⁵ Holt, The Duke of Anjou, 166–200; Parker, The Dutch Revolt, 205–6.

 $^{^6}$ Jean Bodin, De *republica libri sex* (Lyon, 1586), 421. Unless otherwise indicated, all future references to the Latin text are to this version. Bodin attributes, rather doubtfully, the origins of this number mysticism (7 × 7 = 49; 6 × 6 = 36) to the Prince of Orange himself: "quod scribendum non putarem nisi ab principe Aurasio id accepissem cum Antverpiae Francisco duci a consiliis essem". Charlotte de Bourbon died on 5 May 1582.

⁷ Ann Blair, *The Theater of Nature: Jean Bodin and Renaissance Science* (Princeton: Princeton University Press, 1997), 102–3 (citing a passage from Bodin's *Universae naturae theatrum*); I would suggest that both anecdotes derive from the same meeting.

rebels], I learned from the people of Ghent, when I was on the council of François, Duke of Anjou and the Low Countries".⁸

Differences between the French and Latin versions of the *République* have often been noted, and Bodin's personal political experience at Anjou's side, vaunted in the new letter prefacing the 1586 version, has a role in accounting for them. 9 Bodin had also responded to, and silently incorporated, some of the criticisms levelled at the original French text—notably Auger Ferrier's comments on Bodin's astrological conjectures. ¹⁰ There was a notable change in personal circumstances as well. In 1576, Bodin had been a leading participant in the French Estates-General, in personal attendance upon the king: he was truly a rising star. 11 By November 1584 when, in the wake of Anjou's death, Bodin composed the preface of his Latin translation, that star had fallen and had burnt out.¹² Given Bodin's personal experience, as Kenneth McRae has noted, "we ought to marvel that the differences between the two versions are no greater than they actually are". 13 But McRae did detect some differences in doctrine. One of these, the complete impossibility of sharing sovereignty between prince and people, originally seen as a form of popular government, appears a direct result of Bodin's unhappy experiences in the Netherlands.¹⁴ His increasing belief in divine retribution and his discovery that princes had an obligation to protect foreign visitors may also reflect Bodin's experiences in foreign parts.

⁸ Bodin, *De republica* (1586), 341: "sententiam ipsius Imperatoris a Gandanis accepimus cum Francisco Andium ac Belgarum Duci a consiliis essemus". Given Bodin's presence alongside Anjou, this discussion can have taken place only during the Duke's Joyous Entry. Anjou made his Entry into Ghent on 20 August 1582 and stayed until the end of the month. See the official account: Lucas d'Heere, *L'Entree magnifique de Monseigneur Francoys… faite en sa metropolitaine & fameuse ville de Gand le XX^{me} d'Aoust, anno 1582* (Rouen, 1582).

⁹ Bodin, *De republica* (1586), sig. a2vo. It was also during his stay with Anjou in England that Bodin became aware of the popularity of the work and the difficulty experienced by Cambridge scholars of reading the *République* in French.

¹⁰ Jean Bodin, *The Six Bookes of a Commonweale*, trans. Richard Knolles, ed. Kenneth McRae (Cambridge MA: Harvard University Press, 1962), A34. On Bodin's relations with Ferrier see above, pp. 71–6.

¹¹ [Jean Bodin], Recueil de tout ce qui s'est negotié en la compagnie du tiers Estat de France, en l'assemblee generalle des trois Estats, assignez par le Roy en la ville de Bloys, au xv. Novembre 1576 (s.l., 1577), 59[recte 65].

¹² Bodin, *De republica* (1586), sig. ā3. The prefatory letter is dated 29 November 1584; Anjou had died on 19 June of that year. Bodin explicitly linked his new-found leisure to Anjou's death: *De republica* (1586), sig. ā2vo.

¹³ McRae, ed., Commonweale, A29.

¹⁴ McRae, ed., Commonweale, A₃₃.

For Bodin, a latter-day Cassandra, Anjou's failure was a vindication from which he took no pleasure. In the *République* he had warned of the evils that befell unprotected princes in foreign lands. Eight years later, he inserted and returned to

personal examples, to wounds recently inflicted, which open on the lightest touch and cannot be discussed without the bitterest tears. François, Duke of Anjou, having been summoned, arrived to take upon him the government of the Low Countries and was received with the greatest rejoicing: but as he had no garrisons, no castles, no towns, nor had he been able through my entreaties (I had foreseen what would happen) to bring this about, utter disaster followed, which I cannot remember without pain. 15

Bodin's reception of the Dutch Revolt warrants further analysis not only on account of his personal experiences, but also in the light of the criticism which Bodin's reception or treatment of foreign political systems has received ever since the *République* first appeared. Famously, the 1577 pirated Geneva edition emended the work to (among other things) reflect more accurately the city's form of governance. Bodin's acknowledged source for much of his Scandinavian information, the French ambassador to Denmark, Charles de Danzay, told a correspondent that there was no need to list Bodin's mistakes, "for [Bodin] never even named a Danish, Swedish or any other northern place without falsehood". In the face of traditional praise for mixed constitutions, notably of course Rome's, Bodin needed to apply a certain amount of ingenuity to adjust (foreign) political

¹⁵ Cf. Bodin, *République* (1576), 724–25, and Bodin, *De republica* (1586), 743: "Sed ad domestica redeo, & ad ea vulnera quae recenter illata levissimo tactu recrudescunt, nec sine acerbissimo gemitu tractantur. Franciscus dux Andium ad Belgarum sceptra moderanda accersitus venit, & maximis gratulationibus acceptus est: sed cum nulla praesidia, nullas arces, nullas urbes haberet, nec meis rogationibus (qui futura prospexeram) id effici potuisset, ingens secuta clades est, quam sine dolore meminisse non possum". As a critical edition, taking into account both Latin and French versions of the *République*, is still only a work in progress, I have relied for comparisons of this sort on Kenneth McRae's annotated edition of the Knolles translation.

¹⁶ Corinne Müller, "L'édition subreptice des *Six Livres de la République* de Jean Bodin [Genève, 1577]: sa génèse et son influence", *Quaerendo* 10: 3 (1980): 211–36, especially 217–20.

¹⁷ Jacques Bongars to Conrad Rittershusius, 4 April 1600, in Roger Chauviré, *Jean Bodin: auteur de la "République"* (Paris: Honoré Champion, 1914), 535–36 (Letter 7): "(Comme Bongars voulait noter ces passages...) dicebat Dancaeus excriptione non opus esse, nam ne nominari quidem unquam Daniam aut Sueciam aut alium Septentrionis illius locum sine mendacio". See also Danzay's denunciation of Bodin's inaccuracies to the historian Nicolas Krag: Alfred Richard, "Un diplomat poitevin du XVIe siècle: Charles de Danzay, ambassadeur de France en Danemark", *Mémoires de la société des antiquaires de l'ouest*, 3rd series, 3 (1909), 1–240, here 206.

realities to his novel concept of indivisible sovereignty—a concept, fundamental to his thinking, which a leading, modern political scientist has pronounced, "of course, mistaken". ¹⁸ In many respects Bodin himself may be deemed an exponent of the practices of "misreception" or reception "according to the manner of the receiver". ¹⁹ All in all, his engagement with, and his *changing* analysis of, the Low Countries and its political system make this a particularly apt case study.

This chapter falls into two parts. I will first argue that Bodin's perception of the government of the Low Countries changed from that of monarchy by way of an anomalous, partially popular form of government, to that of a popular government; and that this view was retroactive, vindicating earlier misgivings. Changes from the French to the Latin editions of the *République* and Bodin's rarely consulted personal correspondence allow us to document his changing views with relative ease. Bodin's personal involvement as one of Anjou's councillors makes this more than a matter simply of reception, however. Successful attempts have been made to account for seeming incongruities between his political actions and his political thought. Bodin's opposition to the Crown at the Estates-General of 1576,²⁰ and his support for the Catholic *Ligue* in the late 1580s can be elucidated, if only in part, by reference to views which he had published at the time.²¹ In the case of his actions at the Estates, Bodin insisted that

¹⁸ Julian H. Franklin, "Sovereignty and the Mixed Constitution: Bodin and His Critics", in *The Cambridge History of Political Thought, 1450–1700*, eds. J. H. Burns and Mark Goldie (Cambridge: Cambridge University Press, 1991), 298–328, here 303.

¹⁹ Cf. above, p. 35.

²⁰ Bodin's opposition to the alienation of crown lands at the 1576 assembly has been explained in terms of the long-term interests of the crown and the fundamental laws of the kingdom: see Roland Crahay, "Jean Bodin aux États Généraux de 1576", *Assemblee di statie i stituzioni rappresentative nella storia del pensiero politico modern (secoli XV–XX)* 1 (1982): 85–120. For a summary of events, see Owen Ulph, "Jean Bodin and the Estates-General of 1576", *The Journal of Modern History* 19: 4 (1947): 289–96; and for the Crown's aims (the resumption of war), see Mark Greengrass, "A Day in the Life of the Third Estate: Blois, 26th December 1576", in *Politics, Ideology and the Law in Early Modern Europe: Essays in Honor of J. H. M. Salmon*, ed. Adrianna E. Bakos (Rochester: University of Rochester Press, 1994), 73–90.

The episode is in many ways more perplexing, especially for scholars who see Bodin as a defender of tolerance. For example, Gerrit Voogt, "Politique and Spiritualist Tolerance: Bodin's *Heptaplomeres* and Coornhert's *Synodus*", in *Adaptations of Calvinism in Reformation Europe: Essays in Honour of Brian G. Armstrong*, ed. Mack P. Holt (Aldershot: Ashgate, 2007), 127–43, especially 129, represents Bodin's actions as "a response to pressure, despite the rationalizations Bodin himself gave for his actions"; Paul Lawrence Rose, "The Politique and the Prophet: Bodin and the Catholic League 1589–1594", *History Journal* 21, no. 4 (1978): 783–808, whose reading of Bodin is altogether more multifaceted, stresses his religious preoccupations over political ones.

"[i]f nevertheless I had then been a royal procurator, I would not have felt differently," emphasising later how much his principles had personally cost him.²² Nevertheless, in the same apology Bodin also declared that "I have denied that it is proper for a good man or citizen to do violence to a prince, although a tyrant, for any reason; accordingly, [I established] that this should be left to the vengeance of the immortal God and other princes, and I confirmed this not only with divine and human laws and testimonies, but also with necessary, affirmative arguments".²³ The first part of this chapter, then, seeks to account in Bodinian terms for Bodin's involvement in the most unBodinian of acts—the substitution of one prince for another.

The second part moves from the reception of the Revolt by Bodin, to the reception of Bodin in the political pamphlets of the time. Bodin's response to events unfolding in the Netherlands offers a measure par excellence by which to assess the different ways in which the Low Countries can be incorporated within a Bodinian framework—especially as Bodin, even in his personal correspondence, set out his views in terms already expressed in the *République*. The second part of this chapter accordingly considers two pamphlets, both published ostensibly at Reims in 1578. They came to different conclusions but, as I will argue, did so according to a Bodinian method. As Bodin's reflections in his correspondence date to the period 1581-83 we might be accused of projecting back later concerns. However, since we are, at least in the first instance, concerned only with Bodin's response as a plausible framework for further study such concerns should not trouble us unduly: what remains of Bodin's correspondence gives us an idea as to how Bodin or a follower may have responded to the events unfolding in the Low Countries.

Quentin Skinner and Martin van Gelderen have persuasively argued that the main significance of political pamphlets of both the Dutch Revolt and the French Wars of Religion lay in their development of theories of (the right and duty of) resistance, which impacted on and anticipated later developments in political theory.²⁴ In the context of the Dutch Revolt, the

²² Jean Bodin, *Les Six livres de la république*, 4th edn. (Paris, 1583), sig. ēi: "Si tamen procurator regius tunc fuissem, non aliter sentirem".

²³ Bodin, *République* (1583), sig. ā8v. "ego boni[]viri, aut boni civis esse negavi suum principem quantumvis tyrannum ulla ratione violare: hanc denique ultionem immortali Deo aliisque principibus relinqui oportere: idque cum divinis & humanis legibus ac testimoniis, tum etiam rationibus ad assentiendum necessariis confirmavi".

²⁴ Quentin Skinner, "The Context of the Huguenot Revolution". in *The Foundations of Modern Political Thought*, 2 vols. (Cambridge: Cambridge University Press, 1978), 2: 239–301;

most prominent of these pamphlets, William of Orange's *Apologie* (1581), cast Philip II of Spain not only as a tyrant to be resisted, but as a slayer of his wife and son to boot.²⁵ By contrast, the two little-read pamphlets considered here frame the Revolt differently, adopting a *longue durée* historical approach and applying ideal types of governance to questions of loyalty and obedience: these are works of political theory in and of themselves. Accordingly, a study of their reception will raise questions of authorship as well.

1. Bodin in the Netherlands

We know very little about Bodin's role in the household of Hercule-François, Duke of Anjou and Alençon.²⁶ The date 1571, still widely given

see especially 284–301 on Bodin's reaction to Huguenot theories of resistance, and the reference on 240 on the afterlife of these theories in the Low Countries and England. Van Gelderen, *Political Thought of the Dutch Revolt*, 62–165.

²⁵ [Loyseleur de Villiers,] The Apologie or Defence of the Most Noble Prince William, by the Grace of God, Prince of Orange (Delft, 1581), sig. E2v and H2, where the "incestuous" Philip is (twice) described as a "slaier of his Sonne" Don Carlos and "murtherer of his wife" Elizabeth of Valois; see also, for instance, Gregoire Philerene [pseud.], Brief Discourse on the Peace Negotiations Now Taking Place at Cologne (Leiden, 1579) in The Dutch Revolt, ed. Martin van Gelderen (Cambridge: Cambridge University Press, 1993), 123-64, especially the reference on 128 regarding the "infinite number of his subjects" whom Philip had "massacred and burnt alive." The Discours sommier, the pamphlet issued by the States General in 1577 and discussed below, although carefully avoiding direct criticisms of Philip, is similarly a stinging indictment of evil Spaniards and the "espaignolisez". The threat of "la totalle ruyne & extermination d'eux [the Netherlanders], & leur posterité" leading to "les remedes tels que nature enseigne & les droicts divins & humains permettent" make it a perfect exemplar of the genre. [Philip Marnix], Discours sommier des justes causes et raisons qui ont contrainct les estats generaulx des Païs bas de pourveoir à leur deffence contre le Seigneur Don Jehan d'Austrice, 2nd edn. (Antwerp, 1577), 2-3 [Knuttel no. 309; on the Knuttel collection see n. 72 below].

²⁶ The evidence presented here draws together all the material on Bodin's stay, collated by Marie-Dominique Couzinet, ed., *Bibliographie des écrivains français: Jean Bodin* (Paris: Memini, 2001). I am not aware of any new source material, but I have re-examined most of the primary source material and rejected one text as being not by Bodin. This text, the "Copie d'une lettre d'un françois escripte a ung sien amy en Angleterre" was printed by Summerfield Baldwin, "Jean Bodin and the League", *The Catholic Historical Review* 23: 2 (1937): 160–84, here 169–70. Baldwin could not find the title given in the catalogue—"Copie d'Articles de Missives par Bodin envoyees en Angleterre apres la fault de Duc d'Anjou a Anvers"—that led him to MS 2764, Sloane papers, British Library, fo. 19. This second title is, in fact, given on fo. 20 (a continuation of the verso side of fo. 19) but lacks an accompanying text. Given that the page was originally folded, the reference may have been to a text on a different folio. The presence of a separate heading for the text Baldwin transcribed as well as the presence of other texts on the folio page do not inspire confidence. The anti-French tone of the letter surprised Baldwin, and one line in particular

for his entry into the service of Alençon (as he then was) is almost certainly wrong. ²⁷ Bodin entered the Duke's service at some point after 1576 and certainly before December 1580. ²⁸ His position is invariably described, also by Bodin himself, as "conseiller et maître de ses [the Duke's] Requestes" but the only form of payment to survive is an—unfulfilled—promise of a judicial post in one of the ducal domains. ²⁹ No mention of Bodin is traceable among the extensive surviving household records and, as a result, the Angevin has become an almost spectre-like figure in the secondary literature. Bodin looms large in accounts of the 1580 negotiations between the States-General and Anjou. At Plessis-lès-Tours, the inclusion of the word "sovereign" in Anjou's title for his projected role in the Low Countries had been a sticking point; yet Bodin was not in fact one of the Duke's

^{(&}quot;Là [at Antwerp] s'est cognu qu'il est dangereus a ung Prince de se fier de jeunes gens, qui n'ont jamais veu le gouvernement des republicques") seems more apt if the prince in question was the Prince of Orange and the inexperienced "jeunes gens" a reference to Anjou, who died at the age of 29.

²⁷ The date 1571 can be found virtually everywhere: for example, McRae, ed., *Commonweale*, A8; Blair, *Theater*, 10. It is still implicit in Mario Turchetti, "Jean Bodin," in *Stanford Encyclopedia of Philosophy* (Stanford University, 1997–) http://plato.stanford.edu/entries/bodin/. It has been dismissed by Marie-Dominique Couzinet, "Note biographique sur Jean Bodin", in *Jean Bodin: Nature, histoire, droit et politique*, ed. Yves Charles Zarka (Paris: Presses Universitaires de France, 1996), 233–44, here 240, and Jacqueline Boucher, "L'Incarcération de Jean Bodin pendant la troisième guerre de religion", *Nouvelle revue du seizième siècle* 1 (1983): 33–44, here 42. I trace the date back first to Chauviré, *Jean Bodin*, 35, who "je m'en remets entièrement à" Pierre Bayle on this point. Bayle mistook a marginal reference in the *République*: cf. Pierre Bayle, *Dictionaire historique et critique* (Amsterdam, 1740), 1:589 with Bayle's source, Jean Bodin, *De republica libri sex* (Oberursel, 1601), 255. The marginal date (1571) there belongs to the event described, the debate on Alençon's powers within his duchy, rather than to Bodin's appointment. This debate is already described as having taken place in 1571 in the French version of the *République*, without reference to that alleged appointment. Bodin, *République* (1576), 207.

²⁸ The first surviving reference to Bodin as "maître des Requestes de Monseigneur" is a letter dated 3 December 1580. A. Ponthieux, "Quelques Documents inédites sur Jean Bodin," *Revue du seizième siècle* 15 (1928): 56–99, here 76. There are three reasons to think the year 1576 important. Firstly, there is no mention of his position in Anjou's household in the 1576 *République* when there so easily could have been (see the note above). Secondly, alienation from the crown (such as Bodin experienced after the Estates-General of 1576) had also driven others into Anjou's service (for instance, Guillaume de Hautemer, sieur de Fervacques; Frédéric Duquenne, *L'Entreprise du duc d'Anjou aux Pays-Bas de 1580 à 1584* (Villeneuve-d-Ascq: Presses Universitaires du Septentrion, 1998), 30). Finally, Bodin's marriage with Françoise Trouillart on 25 February 1576 brought him into a family with a history of service to Anjou: see Boucher, "L'Incarcération", 42.

²⁹ See the *brevet* dated 10 August 1583 published in Ponthieux, "Quelques documents," 63. In the *Republica*, Bodin describes himself in identical terms as "libellorum magistrum & consilii participem": Bodin, *De republica* (1586), 163.

negotiators.³⁰ Anjou's attempt to seize power at Antwerp—the "utter disaster" that Bodin witnessed—is often seen within the framework set out in the *République*.³¹ There, Bodin had observed that when a wolf is allowed to guard the sheep, protection often changes into *seigneurie*.³² Protectors did this by right, if those protected broke their word.³³ But Bodin's persistent refusal even to acknowledge Anjou's involvement makes it unlikely that he counselled the Duke to put theory into practice. It is difficult therefore to discern Bodin's hand or theory in events. Indeed, "sovereignty", the term that Bodin claimed no one before him had defined, was employed by the Anjou household before Plessis-lès-Tours.³⁴ Already, in December 1578, as Anjou's first foray in the Low Countries faltered, his envoy, the Sieur des Pruneaux, had proposed that the Dutch States-General invest Anjou with the Duchy of Luxembourg and the County of Burgundy "*en pleine souveraineté*" to form a protective shield, separating the remainder of the Low Countries from Spain.³⁵

In contrast, the converse—discernment of the reception of events by Bodin himself—is relatively straightforward. Patriotism appears the main obstacle to determining where, in 1576, sovereignty in the Low Countries lay for Bodin. Sovereignty of the Low Countries is discussed in *République* I.x: "Of a Tributary or Feudatary Prince"—a chapter which showcased "the grandeur and sovereignty of the house of France". Bodin not only frees France from papal suzerainty but strongly implies that the popes, in some of their Italian possessions, were French vassals. The French crown historically possessed the imperial crown and the power to elect popes.

³⁰ Van Gelderen, *Political Thought of the Dutch Revolt*, 180; Holt, *The Duke of Anjou*, 135; Gordon Griffiths, "Humanists and Representative Government in the Sixteenth Century: Bodin, Marnix, and the Invitation to the Duke of Anjou to become Ruler of the Low Countries", *Representative Institutions in Theory and Practice* (Brussels: Les éditions de la librairie encyclopédique, 1970), 59–83, who speculates that Bodin's absence was intentional and allowed him to wash his hands of events afterwards.

³¹ Duquenne, *L'Entreprise*, 145–46; the only mention of Bodin in Duquenne's account.

³² Bodin, *République* (1576), 92.

³³ Bodin, *République* (1576), 88.

³⁴ Bodin, *République* (1576), 125.

³⁵ "Mémoire de des Pruneaux sur les moyens de contenter le duc d'Anjou", in *Documents concernant les relations entre le duc d'Anjou et les Pays-Bas (1576–1583)*, eds. P. L. Muller and Alphonse Diegerick, vol. 2 (The Hague: Martinus Nijhoff, 1890), 361–62 (Document 297), here 362.

 $^{^{36}}$ Bodin, *République* (1576), 184: "Voila quant à la grandeur & souveraineté de la maison de France".

³⁷ Bodin, République (1576), 182-84.

³⁸ Bodin, *République* (1576), 180.

Amid this historical grandstanding, Bodin seems particularly keen to strip Emperor Charles V of all sovereignty over his vast dominions, and to the benefit of France; by Bodin's account, even the crown of Castile "had fallen (*estoit escheu*)" by descent in the female line to Louis IX.³⁹ It was equally clear that "all that the Emperor had in the Low Countries, he held by necessity from the crown of France or from the Empire".⁴⁰

Nevertheless, this grandstanding was historical, and Bodin implies that French claims on the Low Countries had since lapsed, for he adds that "even now (mesme encore) [my emphasis], the county of Charolais [part of Franche-Comté] is held from the King of Spain en propriété and from the Crown of France en souveraineté". 41 The Netherlands highlighted the difficult position of feudatory princes within Bodinian political thought, in which either a prince had no overlords or he was no prince. At the same time, the jurist recognizes the tenurial complexities that continued to arise from the intricacies of feudal law. The distinction which Bodin observes in this regard, between non-native vassals (who could renege on their service) and subject-vassals (who could not), rendered the position of Charles V problematic; the Emperor had been born in Ghent when Flanders was still, at least notionally, a fief of the French crown and he owed, in Bodin's view, his allegiance to the French crown. Yet, by 1576 the Low Countries, under the rule of Charles's son, could hardly be considered a fief of the French crown, and Bodin denounced those who claimed that Philip II did not hold full sovereignty over Aragon and Milan, other possessions with powerful estates. 42 For Bodin, the battle of Pavia of 1525 rectified this difficulty for it liberated Charles from French overlordship. As such, it is seminal in Bodin's thinking about the sovereignty of the Low Countries. After Pavia, Charles had kept Francis I prisoner and "would never consent to his release until [the King] had entirely given up the sovereignty of the Low Countries". 43 It is not entirely clear that within Bodin's theory the French sovereign possessed this power. Bodin in his discussion

³⁹ Bodin, *République* (1576), 167.

⁴⁰ Bodin, *République* (1576), 166–67: "tout ce qu'avoit l'Empereur au bas païs, estoit tenu de la couronne de France, ou de l'Empire par necessité".

⁴¹ Bodin, *République* (1576), 167: "Et mesmes encore le Comté de Charolois, est tenu en proprieté du Roy d'Espaigne, & en souveraineté de la couronne de France".

⁴² Bodin, *République* (1576), 128, 130–31. How Bodin dealt (or rather did not deal) with supposedly "composite" monarchies is noteworthy: see his comments on Philip's undisputed sovereignty over Milan, despite the existence of a senate (128), and Aragon, despite their Estates (130–31).

 $^{^{43}}$ Bodin, *République* (1576), 162. "ne voulut oncques consentir sa delivrance, qu'il n'eust entierement quitté la souveraineté du bas pays".

of the Treaty of Madrid, which effected King Francis's release, appears to want to have it both ways, but the Treaty was therefore by implication still partially valid. 44 All references in the *République* to Charles V's being a vassal of France predate Pavia. 45

The possibility of *popular* sovereignty does not enter into Bodin's discussion within the context of past French claims to the Low Countries, but it is briefly touched upon elsewhere. Bodin is well aware that the people of Ghent, in particular, had frequently rebelled. The subject interested the jurist; as we saw, he later discussed the rebellion with the town's inhabitants. Yet, the Emperor had rectified this difficulty as well by taking his vengeance on "the thousand seditions and rebellions that they habitually perpetrated of old and that had until then remained unpunished by the sufferance or weakness of the Counts of Flanders"—a situation Bodin also blames on a lack of (settler) colonies accompanying the garrisons. It appears that with Charles's assumption of sovereignty and punishment of past rebellions, the situation had again righted itself: Charles and Philip are more than mere counts. It is significant in that regard that Bodin, when discussing the special significance of 27 September 1567 and the "conionction des trois hautes planettes" in relation to tumultuous events

⁴⁴ Bodin, *République* (1576), 102–3, 619; Bodin, *De republica* (1586), 595. Bodin's treatment of the Madrid Treaty was suitably complicated and, or so it seems to me, purposely obscure. He strenuously objected to the argument that Francis, being forced by imprisonment, could renege on the agreement after his release; in the Latin version he wondered why the President of the Paris *Parlement* was not embarrassed to "eius tam ineptis argumentis se munire": *De republica* (1586), 595. Yet, Bodin also felt, unsurprisingly, that part of the royal domain could not be alienated without agreement from the Estates; "Quant à ce point il est bien certain: que c'estoit assez, pour rompre le traicté": *République* (1576), 103. Bodin's conclusion seems to have been that Francis should never have been asked to ratify the treaty in the first place. "Mais toutes ces questions ne furent oncques revoquese en doubte par les anciens. iamais on ne demanda que le prince lasché hors les mains des ennemis, ratifiast ce qu'il avoit iuré estant prisonnier, chose qui est ridicule, car c'est revoquer en doubte, le traité, & mettre au plaisir de celuy qui estoit prisonnier, s'il doit garder ce qu'il a iuré, ou non": *République* (1576), 103.

⁴⁵ Jean Bodin, *Method for the Easy Comprehension of History*, trans. Beatrice Reynolds (New York: W. W. Norton, 1969), 151; Jean Bodin, *De la démonomanie des sorciers* (Paris: Du Puy, 1582), fo. 41vo. References to the Battle of Pavia can be found in Bodin's other writings as well, suggesting that the battle pre-occupied him more generally. Bodin mentions the battle when discussing planetary conjunctions in his *Methodus ad facilem historiarum cognitionem*, and a person consulting a witch to divine the battle's outcome in the *Démonomanie*.

⁴⁶ Bodin, *République* (1576), 395: "la vengeance qu'il print de mil seditions, & rebellions qu'ils avoyent accoustumé de faire de toute ancienneté & que estoyent iusques alors demeurees impunies par la souffrance, ou impuissance des Contes de Flandre".

⁴⁷ See Bodin's discussion of the *marques* of sovereignty, especially in *République* (1576), 191–92, and his attitude towards "composite" monarchies discussed in n. 42 above.

across Europe, sees "the Flemings [rebelling] against *the Catholic king*".⁴⁸ This is the only reference to events unfolding the Netherlands in the decade preceding the *République*. It had been the dire situation in France that had compelled Bodin to write. None of the events prior to 1576 inspired him to think of the Low Countries, at least since 1525, as anything other than part of a monarchical state.

As we have already seen, the situation in the Low Countries changed rapidly in the months after the appearance of the *République*, and calls for Anjou's intervention grew louder after every rebel defeat. The first evidence of Bodin's objections to Anjou's involvement in the Low Countries dates from his time in England. It was against the backdrop of the doomed Anglo-French marriage negotiations of the winter of 1581-82 that the Duke's assistance to the Dutch rebels became again a matter of urgency. In his account of Anjou's embassy to England, the Duke of Nevers wrote that Bodin opposed the courtship of the Dutch envoys, complaining of "the inconstancy (legereté) of the Flemings, the small means they have of relieving His Highness and assisting him with money and other necessities for this war". 49 In a letter to Francis Walsingham, Elizabeth's principal secretary, with whom Bodin appears to have been friendly, the Angevin sets out his objections in very similar terms. Sent after less than a month in the Low Countries, the letter provides further evidence of Bodin's claim to have foretold the disaster:

That is why I told [the Duke of Anjou] in England that no conquering prince, elected and called in by the subjects of another, had ever gone save with a good powerful army, for there is no doubt but that the enemy will soon besiege the towns, and that they, being masters of the countryside (*maistres de la campagne*), will devastate the open country, to stir up the subjects to rebellion against the new lord, before they have given him allegiance.⁵⁰

 $^{^{48}}$ Bodin, *République* (1576), 441: "les Flamens contre le roy Catholique" (emphasis added).

⁴⁹ Duke of Nevers, "Voyage de Feu Monsieur le Duc d'Aniou en Angleterre", *Les Mémoires de M. le duc de Nevers, prince de Mantoue* (Paris, 1665), 551–60, here 558: "se deffiant, comme il disoit, de la legereté des Flamans, & du peu de moyen qu'ils avoient de secourir S[on] A[ltèse] & luy assister d'argent & autres choses necessaires à cette guerre". The document is dated 3 March 1582; Anjou's party had arrived at Flushing on 10 February.

⁵⁰ Jean Bodin to Walsingham, 5 March 1582, State Papers 83/15 fol. 43, National Archives: "c[']est pourqoy je luy die en Angleterre que jamais prince conquerant eleu ou appellé par les sugets d[']autruy n[']estoit allé sinon avec une bonne et puissante armee[,] car il n[']y a doubte que les ennemis n[']assiegent rien tost les villes et qu[']ilz ne gastent le plat pay[,] estant maistres de la campagne[,] pour esmouvoir les sugets à rebellion contre le nouveau seigneur au paravant qui luy ayant presté obeissance". The original document has been consulted electronically through Gale's *State Papers Online 1509–1714* database. The

The enemy here—"a powerful foe"—are, clearly, the Spanish forces of Alexander Farnese, the then governor-general.⁵¹ The passage echoes the concerns originally reported by Nevers. Bodin was, indeed, concerned about the loyalty of Anjou's new subjects and worried about the lack of military resources to overcome such difficulties—echoing and, as we saw later adding to, a point made in the *République*.⁵² Bodin had emphasized the importance of forts and garrisons for princes and protectors establishing themselves in formerly popular states.⁵³

Vindication would come nine months later, when on 17 January 1583 Anjou's troops launched an attack on Antwerp. This event, the French Fury, brought back memories of the Spanish Fury of 1576 when unpaid Spanish soldiers had sacked the metropole. In the words of one modern historian, that had been a "holocaust"; but, at least for the Spanish soldiers, the sack of Antwerp had been a victory to be described in providential terms. ⁵⁴ By contrast, the French Fury was an unmitigated disaster for the troops involved. Bodin in his letter to his friend and brother-inlaw Nicolas Trouillart recounted that the French, shouting *Vive la messe*, had believed that they would have the support of the Catholic part of the town's citizenry, but no such support materialised. ⁵⁵ By Bodin's account, the whole affair left 1,600 soldiers, including 200 gentlemen, dead—about half the total invasion force. ⁵⁶ When in the *Republica* he observes that "the Netherlanders (*Belgae*) have been accustomed to cut the throat of

translation has been adapted from "Elizabeth: March 1582, 1–5," *Calendar of State Papers Foreign, Elizabeth*, Vol. 15: 1581–1582 (1907), 510–34, http://www.british-history.ac.uk.

⁵¹ Bodin to Walsingham, State Papers 83/15 fol. 43: "ung puissant ennemy".

⁵² Bodin, *République* (1576), 724–25 (cf. n. 15 above).

⁵³ Bodin, *République* (1576), 413 (on the need for a new prince to use force); 419 (the happy example of Medici Florence); and 410 (Augustan Rome). See also Bodin, *République* (1576), 92, where Bodin observes that Geneva would have lost its independence to its Bernese protectors, if the latter had possessed a garrison in the city.

⁵⁴ Parker, *The Dutch Revolt*, 178; on the contemporary Spanish perspective, see Balthasar Lopez de la Cueva to Secretary Cayas, 7 November 1576, in Louis Prosper Gachard, ed., *Correspondance de Philippe II sur les affaires des Pays-Bas*, 6 vols. (Brussels: Muquardt, 1848–1936), 5 (1879): 16–17 (letter 1773).

⁵⁵ Jean Bodin to Nicolas Trouillart, 23 January 1583. The letter, in the Dupuy collection of the Bibliothèque nationale de France, has twice been independently published: Jean Bodin, "Tumulte d'Anuers escrit par I. Bodin", in Chauviré, *Jean Bodin*, 524–29 (Appendix 2); and Louis Prosper Gachard, ed., "Lettre de Jean Bodin sur l'entreprise du duc d'Anjou contre la ville d'Anvers", *Compte rendu des séances de la Commission Royale d'histoire ou recueil de ses bulletins*, 2nd series, 12 (1859): 458–63 (Document 130). There are lacunae in both versions. I have collated the two different readings but have been unable to see the original manuscript. Page references are to Chauviré, referenced "Tumulte"; here, 525.

⁵⁶ Bodin, "Tumulte", 527. The figure suggested by Parker is 2,000 deaths out an invasion force of 3,500: Parker, *The Dutch Revolt*, 206.

noblemen with a sword as if they were cattle", he was speaking as an eye-witness.⁵⁷ In his letter to Trouillart, Bodin praises God: "it is the thirteenth time that I have been close to death without dying".⁵⁸ Nevertheless, for the second time in his life he found himself imprisoned, possibly again for his own protection.⁵⁹ It is in his letter to Trouillart that we first find Bodin's more theoretical objections.

I have foreseen and foretold this misfortune to [Philip Marnix of] Sainte Aldegonde and Des Pruneaux in England when I told them that their negotiations would lead to the ruin of our Prince and of the Low Countries, recognising the difference in customs and humours of the two peoples, the difference in religion and the possession of liberty which they [the Netherlanders] would never give up, having possessed citadels in order to be masters of the prince. Because it is very certain that he is master of the state who is master of force, and tenders obedience only as he pleases, so that sovereignty, which never suffers division, would be found shared by a prince and his subjects, which would cause the ruin of a state. It would be better to leave it in complete freedom than to cut it in half. Even the prince who is among a subdued people cannot do harm when there is in addition no or little nobility in the country and they have no voice nor any credit in the estates. Nevertheless, they are the principal liaison between the prince and the people in every monarchy.⁶⁰

We cannot know whether Bodin's premonitions and practical objections, stated prior to the event, crystallised into theoretical objections or were their expression from the start. Bodin's invocation of the difference in customs is easily enough understood, but his other comments are not so plainly warranted. That the people possessed "force" is evident in the

 $^{^{57}\,}$ Bodin, *De republica* (1586), 761: "Belgae nobilium iugulum gladio pecudum in morem haurire consueverunt". The addition breaks up the natural flow of the argument.

⁵⁸ Bodin, "Tumulte," 529: "Et pour mon particulier i[']ay bien louer Dieu qui m[']a sauvé la vie car cest la treizieme fois que i[']ay esté pres ung point de la mort sans mourir".

⁵⁹ See Boucher, "L'Incarcération", 33.

⁶⁰ Bodin, "Tumulte", 528: "I[']ay preveu et predit ce malheur en Angleterre a Monsieur de Sainte Aldegonde & des Pruneaux lorsque ie leur dis que leurs negociations tiroient après soy la ruïne de nostre prince et du bas païs congnoissant la contrarieté des meurs et humeurs des deux peuples & la difference de religion et la possession de liberté laquelle iamais ilz ne voudroient quitter[,] ayans eu les citadelles pour estre maistres du prince: car il est bien certain que celuy est maistre de l'estat qui est maistre de la force [Gachard inserts "publique" here] et ne preste obeïssance que ce qu[']il luy plaist en sorte que la souveraineté ne souffrant iamais division se trouveroit partie entre le prince et les subjetz qui causeroit la ruïne d[']un estat et vault mieux le laisser en pleine liberté que le trancher par moytië et mesme le prince estant au meilleu du peuple forcé ne peut nuyre ioinct aussy qu[']il n y a plus ou fort peu de noblesse au païs et n[']ont voix ne credit aucun aux estatz. Neantmoins c[']est la principale liaison entre le prince & le peuple en toutte monarchie". A, not unproblematic, English translation is given in Griffiths, "Humanists," 77–78.

French casualty toll, but Bodin was also speaking in more abstract terms, echoing but also modifying the theory he had publicly expressed.

According to the *République*, "in matters of state, who is master of force is master of men and of laws and the whole Commonwealth." The ability to give law to subjects was "the first mark of sovereignty," and Bodin insisted that a prince could not share it with the people or the state would be a popular one. To Bodin's mind, popular government was inimical to any form of virtue, but in 1576 a state, which granted authority to a princely magistrate, could, however unstable, still exist. ⁶² In the *Republica*, this form of shared governance is instead described as "not a Commonwealth but an Anarchy, worse than the cruellest tyranny." At Antwerp, Bodin had learned that a master of force "only tenders obedience as he pleases," and that anarchy, not government, logically ensued if the master of force were not also sovereign.

Bodin is more muted in the *République* with regard to the second point made in the passage above, the role of the nobility. In 1576, Bodin had occupied himself rather with the danger of divisions within the nobility for aristocratic forms of government.⁶⁴ The Angevin may well have come to appreciate their importance more having noted their absence in the Low Countries; in 1576, he had claimed that the loss of the nobility would only lead to the fall of a monarchy if it was accompanied by the death of the princes of the blood.⁶⁵ As the Low Countries lacked both nobility and a prince, there seems little doubt that Bodin felt the popular to be their current, and preferred, state: "It would be better to leave it in complete freedom than to cut it in half". The reference to the Low Countries historically "having possessed (*ayans eu*) citadels in order to be masters of the prince" implies that this form of government had in effect reverted to an earlier original, popular condition of the country—evoking the weakness

⁶¹ Bodin, *République* (1576), 231: "en matiere d'estat, qui est maistre de la force, il est maistre des hommes, & des loix, & de toute la Republique". The comment is repeated on 414, where it is called a "maxime indubitable".

⁶² For Bodin's criticism of the popular state, see Bodin, *République* (1576), 676–79.

⁶³ Bodin, De republica (1586), 176: "Anarchia non Respublica fuerit, tyrannide crudelissima deterior." Translation adapted from McRae, ed., *Commonweale*, A117. Cf. Bodin's original comment, *République* (1576), 220: "la premiere marque de souveraineté, est donner la loy aux sugets: & qui seront les sugets qui obeiront, s'ils ont aussi puissance de faire loy?... ainsi faut il conclure par necessité, que si pas un en particulier n'a puissance de faire la loy, ains que ce pouvoir soit à tous ensemble, que la Republique est populaire".

⁶⁴ Bodin, République (1576), 422-23.

⁶⁵ Bodin, République (1576), 422.

of the counts of Flanders which Bodin had discussed in the *République* and Charles V had avenged.

Even a partial revelation of Bodin's theoretical objections already brought trouble. "Knowing these indubitable maxims in terms of state and having declared them *in part*", Bodin recalls, "I have been hated and the sieur de Fervacques even called me a Spaniard, when we were in England". 66 In a letter to Walsingham written a few weeks later, Bodin despaired of Anjou's recalcitrant behaviour since the "French Fury", but still refused to believe Anjou would have sullied "the splendour and all the lustre of his exploits" in such a way. 67 In that letter, Bodin again emphasizes the structural causes of the troubles, "which find their origin much further back than many people think"—possibly, a reference to the powerless counts of Flanders. 68

In the *République*, the sovereignty of the Low Countries had only been considered as part of a discussion of French overlordship. The Trouillart letter shows that at least by this time Bodin had come to regard the Netherlands as—quite likely retroactively—a popular state. In the wake of the French Fury, he saw Anjou's rule over the Low Countries as an anomaly, an impossible attempt to share sovereignty. But Bodin's practical concern about the need for arms, which he certainly expressed before January 1583, also readily reflects awareness of a precondition for a successful change from a popular to monarchical form of sovereignty. It is with Anjou's experiences in mind that Bodin must have added to the *Republica* that

the supreme power of a prince cannot be subjected to, circumscribed by, or in any part of it shared with meetings of the nobility or the people without harm. Otherwise, the sovereignty necessarily falls either into destructive anarchy or into popular disorder. This must also be considered by us very carefully, so that we do not listen to the seditious voices of the people and the ignorant, who believe that princes should be subjected to the councils and estates of the people, and from them receive laws of command and restraint, in which case the ruin not only of the most illustrious monarchies, but also of the subjects necessarily follows.⁶⁹

⁶⁶ Bodin, "Tumulte," 528–29: "Sçachant ces maximes indubitables en termes des[tat; the suggestion is Chauviré's] et les ayant en partie declarées i[']en ay esté mal voulu & mesmes le sieur de Fervacques m[']en a appellé Espagnol estant en Angleterre".

 $^{^{67}}$ Letter from Bodin to Walsingham, 30 January / 9 February 1583: State Papers 83/18, fo. 42, National Archives: "la splendeur et tout le lustre de ses beaux faitz". Retrieved from State Papers Online, Gale (cited above, note 50).

 $^{^{68}}$ State Papers 83/18, fo. 42: "qui prend son origine de bien plus loin que plusieurs n['] estiment".

⁶⁹ Bodin, *De republica* (1586), 712: "At summa principis potestas optimatium populive coetibus nec subiugari, nec circu[m]cidi, nec ulla sui parte communicari sine pernicie

Bodin may have remembered the treaty of Plessis-Lès-Tours, where the States-General denied Anjou sovereignty over the Low Countries. Certainly, the reciprocal ruin of monarch and subjects recalls Bodin's prediction to Marnix and Des Pruneaux in England.

In the *Republica*, the Dutch Revolt is no longer ignored as it had been in 1576; it has become an event that can be accounted for, and by virtue of being accountable within the Bodinian framework it is implicitly legitimated. Bodin now invokes two surprisingly plain, long-term reasons to explain the Dutch Revolt: excessive taxation under the Duke of Alva and the execution of heretics—both practices against which he had warned princes in the *République*.⁷⁰ But Bodin also invokes a difference in climate. Apparently, the Netherlanders were as incompatible with the Spanish as they were with the French:

[T]he most important reason why the people of the Netherlands revolted against Spanish rule was that they could not stand Spanish ways, which are most unlike their own. But the Spanish sky is separated by almost twelve degrees of latitude from the most distant stretches of the Low Countries, and this is the most important source of the differences in character.⁷¹

2. Setting out the Case for Anjou: The Lettre contenant un avis (1578)

From the spring of 1578 onwards, pamphlets advocated the appointment of Anjou as protector of the Low Countries.⁷² If a meaningful connection between these texts and Anjou could be substantiated, it would make the identification of Bodinian aspects more credible. Certainly, Anjou had adherents of many different stripes in the Low Countries. As early as May

potest, alioqui maiestatem Imperii vel in pestiferam anarchiam, vel in popularem perturbationem prolabi necesse est. Id autem attentius ponderandum nobis est, ne seditiosas popularium ac imperitorum voces exaudiamus, qui principes populorum coetibus & comitiis subiiciendos, ab iisque imperandi ac prohibendi leges accipiendas esse putant: qua quidem re non modo monarchiarum pulcherrimarum sed etiam subditorum interitus sequatur necesse est". Cf. Bodin, *République* (1576), 694, where the passage is absent.

⁷⁰ Bodin, *De republica* (1586), 657, 477.

⁷¹ Bodin, *De republica* (1586), 493: "Quod item Belgae ab Hispanorum imperio defecerunt, hanc potissimum defectionis causam fuisse constat, quod Hispanorum mores suis dissimilimos ferre non possent. abest autem caelum Hispanorum ab extremo Belgarum tractu duodecim fere partibus in latitudinem, a qua morum dissimilitudines praecipue oriuntur". The translation is adapted from: McRae, ed., *Commonweale*, A140.

⁷² Most, but not all, of the pamphlets discussed here are in the recently digitised Knuttel collection of the Royal Library in The Hague and are included in *The Early Modern Pamphlets Online* (Brill), http://tempo.idcpublishers.info. I have given the reference to the Knuttel shelfmark, when appropriate.

1576 the rebel Dutch provinces had drafted an agreement, which would have appointed him Count of Holland and Zeeland.⁷³ The contrary idea of involving both Anjou and the French crown on the royal side drew support from the Walloon border provinces.⁷⁴ Nevertheless, the author of at least one of the pro-Anjou pamphlets was French. Although ostensibly written by "un gentilhomme" from Walloon Hainaut, the author referred to Henry III as "nostre Roy", spoke of "nos François", even "nos" Pyrenees, but "voz [as in Netherlandish] libertez"—mistakes corrected systematically in at least one copy.⁷⁵ Evidence suggests that the publication of the pro-Anjou pamphlets was coordinated; almost all can be traced back to the same printing press in Antwerp, where Anjou's agents were pressing his case with the States-General.⁷⁶ This press also printed a "proposition" by the French ambassador, offering the King's intercession and implicit support for his brother's actions, and, after the first ill-fated treaty was signed, a complaint to the States-General by the Duke's envoy, Des Pruneaux, that Anjou was not some sort of "prince vagabond" who could be refused a home.⁷⁷ These were official pronouncements, and it is relevant here that the treaty between Anjou and the States of 13 August 1578 was reprinted

⁷³ Koenraad Swart, *William of Orange and the Revolt of the Netherlands, 1572–84,* trans. J. C. Grayson (Aldershot: Ashgate, 2003), 101.

⁷⁴ Jean Vendeville to the Abbott of Saint-Ghislain, 14 July 1577. Alexis Possoz, *Mgr Jean Vendeville évêque de Tournai*, 1587–1592 (Lille: L. Lefort, 1862), 182–85 (Appendix F), esp. 184–85. On Vendeville, see Violet Soen, "The Loyal Opposition of Jean Vendeville (1527–1592): Contributions to a Contextualized Biography," in *The Quintessence of Lives: Intellectual Biographies in the Low Countries Presented to Jan Roegiers*, eds. Dries Vanysacker *et al.* (Turnhout: Brepols, 2010), 43–61.

⁷⁵ Lettre d'un gentilhomme de Haynault, a Monsieur de la Mothe, Gouverneur de Gravelines (s.l., 1578), 37, 58, 59, 68 [Knuttel no. 390]. The copy in question is RES 550059 (4) in the Bibliothèque historique de la Ville de Paris.

⁷⁶ The printer in question is the little-known Antwerp printer, Christiaen Houweel, who also printed, indirectly, on behalf of the Dutch States-General.: Paul Valkema Blouw, "Willem Silvius, Christiaen Houweel and anti-Spanish propaganda, 1577 to 1579", *Quaerendo* 24: 1 (1994): 3–29; see Valkema Blouw's suggestion (p. 27) that the pro-Anjou pamphlets were a French commission. The only pro-Anjou pamphlet not printed by Houweel is the Hainaut letter mentioned above. Valentin de Pardieu, seigneur de la Motte, to whom this letter was ostensibly addressed, defected to Don Juan on 8 April 1578: I. L. A. Diegerick, ed., *Correspondance de Valentine de Pardieu, Seigneur de la Motte* (Bruges: Vandeensteele-Werbrouck, 1857), 22–23. It is possible that this pamphlet was written first.

⁷⁷ Valkema Blouw, "Willem Silvius", 11, 17; La Proposition de Monsieur Bellievre Ambassadeur du Roy de France, faicte a son Alteze & Messieurs des Estats du Païs Bas le 4. Aoust, 1578 (s.l., 1578) [Knuttel no. 375]; Lettre escripte par Monseigneur le Duc d'Anjou, à Messieurs les Estats generaulx des Pays Bas (s.l., 1578) [Knuttel no. 388], 17. The comment was made in Des Pruneaux's much longer "Remonstrance" appended to Anjou's letter; the nature of Anjou's complaints is further evidence of the involvement of his entourage.

in Rouen and in Paris.⁷⁸ Anjou's entourage had been adept at publicising his exploits in the arena of the French Civil Wars; their terrain had now been extended to encompass the Low Countries as well.⁷⁹

Two pro-Anjou *lettres*, published by the same press and ostensibly completed within a week of each other around the end of May 1578, had complementary aims. ⁸⁰ One *lettre*, as the title indicates, was a justification of Anjou's recent actions, both in the Low Countries and in France, hence suggesting an intended audience beyond the Netherlands. ⁸¹ The second *lettre* places the Revolt of the Netherlands in a historical framework and argues that only foreign intervention could protect the Low Countries. ⁸² It is the latter that interests us here.

Ostensibly, this pamphlet had been written by a German gentleman, who having lived in France for ten years dared to write in French.⁸³ French authorship is much more likely for a number of reasons. First, the—ostensibly German—author warned the reader that Germans as a general rule could not be trusted, especially with womenfolk. Their presence

⁷⁸ Accord et alliance faite entre le duc d'Anjou, Alençon, &c. d'une part: & les prelats, nobles & deputez des villes representants les Estats generaux des pays bas, d'autre part (Rouen: Thomas Mallard, [1578]). On Mallard, see Georges Lepreux, Gallia Typographica ou répertoire biographique et chronologique de tous les imprimeurs de France depuis les origines de l'imprimerie jusqu'à la Révolution, série déparmentale, 3: 1 (Paris: Librairie ancienne Honoré Champion, 1912), 309–10; note the privilege on sig. D3vo, dated 4 October 1578. The title page includes Mallard's address. Another copy "suyvant la copie Imprimee à Rouen, par Thomas Mallard" was printed in Paris by Jean Coquerel in 1579; the presence of Coquerel's address makes pseudonymity unlikely. On Jean Coquerel or Jean Coqueret (d. 1610?), see the brief reference in Jean-Dominique Mellot and Élisabeth Queval, Répertoire d'imprimeurs / libraires (vers 1500–vers 1810), new ed. ([Paris:] Bibliothèque Nationale de France, 2004), 152.

⁷⁹ See the entries in Andrew Pettegree *et al.*, eds., *French Vernacular Books: Books Published in the French Language before 1601*, 2 vols. (Leiden: Brill, 2007), 1:628–29. One of these was translated into English, perhaps with an eye on the English match: *The Protestation of the Most High and Mightie Prince Frauncis, Bothe Sonne and Brother of [the] King [of France], Duke of Allenson and of Eureux, Earle of Droux, & of Perche (London, 1575). I am not, of course, suggesting that Anjou's entourage was behind the publication of all 43 texts listed, but titles and the total number suggest that some were so conditioned.*

⁸⁰ The "Rouen" letter was dated 24 May, the "Reims" letter 1 June 1578.

⁸¹ Lettre contenant l'esclaircissement des actions et deportemens de Monsieur filz & frere de Roy Duc d'Anjou, d'Alençon, &c: Tant pour le regard des choses qui sont avenues es guerres civiles de la France, comme en ce qui concerne le faict & deffence des Pays Bas contre les Espagnols (Rouen [=Antwerp], 1578) [Knuttel no. 360].

⁸² Lettre contenant un avis de l'estat auquel sont les affaires des Païs-Bas, tant pour le regard des principales provinces & villes en particulier, comme de toutes ensemble en general, avecq la recerche du party, le plus prompt & plus asseuré, que les Estats puissent prendre contre l'Espagnol, pour leur conservation & salut (Reims [=Antwerp], 1578) [Knuttel no. 358/9; hereafter, Lettre].

⁸³ *Lettre*, 2.

would "only increase the number of eaters or, better yet, drinkers, and charge you with an expense which surpasses all your other costs".⁸⁴

Second, there is surprisingly little empathy with the traditional motivations for rebellion.85 Philip II is twice called a tyrant, yet in the entire treatise he is not mentioned by name.86 Rather than focus on the right to resistance—the aspect that made Huguenot propaganda so important in the history of political thought—the author emphasizes the (almost righteous) anger of the Spanish Crown from which the Netherlands must be shielded. Hanging over the Low Countries is the threat of mass transportation: "They have already designated the places to which they will transport the greatest part of the people, who remain after the civil war; [designated] the towns which must take new [i.e. Spanish] inhabitants and [possibly a reference to Bodin's discussion of the 1539 Ghent rebellion] colonies".87 Times may change the fears and passions of the inhabitants little by little, "but not the desire that [the Spaniard] has to avenge himself on you or the suspicion that he will always have, that you wish to do what you have done more than fifty times in three hundred years"—that is, to rebel.88 The royal side is also able to attract "the better part of the most intelligent men of the Low Countries, having left amongst the rest of you many very useless or almost ungovernable persons"—a damning judgment on the pamphlet's supposed readership.89

Finally, the pro-French slant can be taken as a further indication of the author's origin. He emphasizes that "the nature of the Frenchman is much more similar to yours than that of the German". 90 Surely, few inhabitants of the Low Countries would face with an equanimity equal to that of the

⁸⁴ See the comments in *Lettre*, 66, 70–71, and 45: "ce n'est qu'augmenter le nombre des mangeurs, ou pour mieus dire des beveurs, & vous charger d'une despense qui surpasse tous voz autres frais". That "les hommes de Septentrion" were "grand beuveurs" was also the opinion of Bodin: see Bodin, *République* (1576), 435.

⁸⁵ The denunciation of recent Spanish atrocities takes up just over one (end of page 50 to start of page 52) of 74 pages.

⁸⁶ Lettre, 52. Elsewhere, he is called "son [as in, Charles's] fils" (16), "le Roy d'Espaigne" (17), "le Roy Catholique" (40).

⁸⁷ Lettre, 52: "on a deia designé les lieus ou l'on doit transporter la plus grande partie du peuple, qui restera de la guerre civile, & les villes ou l'on doit emmener de nouveau habitans & colonies".

⁸⁸ *Lettre*, 72: "Mais non le desir qu'il a de se venger de vous, ou le soupçon qu'aura touiour, que vous veuillez faire ce que vous avez faict plus de cinquante fois en trois cens ans".

⁸⁹ *Lettre*, 36: "la meilleure partie des plus habiles hommes du païs bas, & entre le rest vous avoir laissé plusieurs personnes fort inutiles ou malaisees à gouverner".

⁹⁰ Lettre, 50: "le naturel du François est beaucoup plus semblable au vostre, que celuy de l'Allemand".

author the prospect of their homeland's addition to France, in the event of Anjou's succession to the French throne, "filled with the happiness and comfort that the free commerce and proximity of such a kingdom can bring you". 91

The German cloak was a useful cover, ensuring that the game was not prematurely given away; the author only introduced the idea of appointing a foreign leader some twenty pages in, and advanced the proposal that this should be Anjou even more slowly. The *Lettre*, therefore, was a systematic, "mathematical" treatise, starting in the past and advancing towards the future: "what has happened thus far agrees or disagrees with what we see; the two [past and present] together enlighten and shed light on the darkness of what we fear and hope; which helps immensely, as you know, for taking counsel".⁹² What underpinned this approach was a clearly enunciated political theory.

I consider that the State of the Low Countries, although it may have been ruled by Counts, Dukes and Kings, nevertheless retains a strongly popular character. I do not believe that either in the memory of ages past or in the present century is it possible to find a nation capable of serving as a sufficiently close example to represent your condition properly. And this is why the distinction between popular governments, those of the few, and the royal ones would not be adequate for the person who wishes to attain some knowledge of the state he plans to serve with profit: and I reckon that so many and such great differences come into play, that all the political doctrine that one finds in books is worthless in this case. The more so because such a diversity feeds through not only into the form of government, which is indeed infinitely diverse according to the laws, privileges, and situations of the country, but manifests itself even more strongly in the manners of the inhabitants, that is to say of the common people, of the nobles, dukes and princes one has to deal with. To such an extent that, in my opinion, one should not be astonished if those who have not thought about this, normally fill everything with confusion or with violence, when they least expect to fall into this.93

⁹¹ Lettre, 73: "comblez de l'heur & aisance que vous peut apporter le commerce libre & voisinage d'un tel Royaume".

⁹² Lettre, 17: "ce qui est avenu cy-devant approuve ou reprouve ce que nous voyons, & tous les deuz ensemble eclaircissent & donnent lumiere à l'obscurité de ce que nous craignons & esperons: ce qui sert, comme vous sçavez, inifiniment pour prendre conseil". The author praises the method of the "Arithmeticiens".

⁹³ *Lettre*, 3–4: "Il m'est avis que l'Estat des païs bas, encor qu'il aye esté commandé par des Contes, Ducs & Roys, retient toutefois beaucoup du populaire. Et ne crois pas qu'il se trouvast ny en la memoire des aages passez, ny au siecle present, quelque nation qui peut servir d'exemple assez propre pour representer bien vostre condition. Et c'est pourquoy la division des gouvernemens populaire, de peu, & royal ne seroit suffisante pour celuy qui

That the author of the *Lettre* saw the situation in the Low Countries as unprecedented and Aristotelian-Bodinian, tripartite division of constitutions as inapplicable to it has been noted elsewhere. 94 But the inapplicability is by no means total. The passage suggests that the Low Countries' divergence from the familiar model is only an aberration—an aberration for which the pamphlet goes on to account and which it proposes to solve. Political theory is only useless in this aberrant instance; history is not dismissed (the author goes on to use historical examples), it in fact illustrates the uniqueness of the current situation. Those who have not reflected on this "fill everything with confusion or with violence". The passage quoted affirms at the outset that the state retains a popular character. The author continues by observing that, "your state is mixed, between on the one hand the authority of the one who is seigneur, and on the other the strength (force) of the people". 95 This statement, written in Bodinian language is seemingly unBodinian in content. The author's description of the Low Countries, as a state shared between prince and people with "force" resting with the people, is similar to Bodin's in the letter to Trouillart. The statement is also immediately qualified, when the author for a second time observes that the state "nevertheless tends more towards the popular condition," recalling Bodin's comments in the *République* on the possession of "force" by the people in such seemingly mixed states, discussed above.96

The author then goes on to the second factor that Bodin was to single out: the weakness of the nobility. On the following page he accounts for the failure of monarchy in terms of the decline of the nobility (in turn, the result of commercial success): "Hence it happened, that the nobles who are the members and instruments of Monarchy, have been less powerful," forcing princes to apply *douceur* through town magistrates rather than

veut entrer un peu avant en la conoissance de l'estat auquel il veut proffiter: & estime qu'il y entrevient tant & de si grandes differences, que toute la doctrine politicque qui se trouve dans les livres n'y serviroit rien. D'autant qu'un telle diversité n'eschoit pas seulement en la sorte du gouvernement, qui est toutefois infiniment divers selon les lois, privileges & situation du païs, ains encor plus elle se rencontre es moeurs des peuples, c'est à dire du vulgaire, des nobles, Princes & Ducs à qui on a affaire. Tellement que mon opinion est, qu'il ne se faut esbahir si ceus qui ne considerent cecy, remplissent tout ordinairement de confusion ou de violence, lors que moins ils y pensent tomber".

⁹⁴ Van Gelderen, Political Thought of the Dutch Revolt, 168.

⁹⁵ *Lettre*, 4: "Or pour revenir à vous autres, ie dy que vostre estat est meslé, & de l'autorité de celuy qui en est Seigneur, & de la force du peuple. Mais que toutefois il panche plus sur la condition populaire".

⁹⁶ Lettre, 4: "Mais que toutefois il panche plus sur la condition populaire".

enforce their will violently.⁹⁷ A third element, the danger of the enemy being "maistre de la campagne", on which Bodin later wrote to Walsingham, recurs later with the same phrase being used.⁹⁸

The author emphasizes the differences within the Low Countries, implicitly applying climate theory to account for them. The county of Flanders is "the most full of great and populous towns", possesses the least nobility and hence is the most resistant to the will of the *seigneurs*. Hainaut and Artois differ not only in language but also in morals; its inhabitants are more warlike but also more resistant to popular, as opposed to royal authority. This is even more true for the inhabitants of Luxembourg and Burgundy, which are still further removed from the sea and commerce. We have already seen Bodin, publicly and privately, comment on the rebellious nature and *légèreté* of the Flemings. In the *République*, he also observed that "all the ancients have remarked that the inhabitants of maritime places and great merchant towns are more cunning, more clever and more civil, than those removed from sea ports and commerce", contrasting them with the masculine inhabitants of Tournai, in present-day Hainaut, whom Caesar had praised. Hainaut, whom Caesar had praised.

There is a clear implication that this strange form of government needs to be explained. The author has found in a "historiographe François" that "the Flemish have always preferred their seigneurs weak rather than powerful". 102 "What has saved and maintained them, is to have had seigneurs who needed to establish and defend themselves, or who were so engaged elsewhere that they could not think of doing violence to their own people, or those who were so far removed that the length of the journey and the expenses necessarily incurred discouraged them from undertaking anything in this place". 103 Their earlier rulers were weak and in need of foreign (French) assistance. Their treatment by the powerful Charles V would have been worse "if his ambition had not continually

⁹⁷ *Lettre*, 5: "Car de là il est avenu, que les nobles qui sont les membres & instrumens de la Monarchie, ont esté les moindres en force".

⁹⁸ Lettre, 38.

⁹⁹ *Lettre*, 7: "la plus pleine de villes grandes & populeuses".

¹⁰⁰ Lettre, 8.

¹⁰¹ Bodin, République (1576), 539.

¹⁰² Lettre, 13: "Nous lisons en un historiographe François, un mot repeté souvent, à scavoir que les Flamans ont tousiour plus aymé leurs Seigneurs foibles que puissans".

¹⁰³ Lettre, 14: "ce qui les a sauvez & maintenuz, c'est d'avoir eu des Seigneurs qui avoint besoin de s'establir, & se defendre, ou qui estoint si empeschez ailleurs, qu'ils ne pouvoint penser à violenter leur peuple: Ou qui encore estoint si eloignez que la longueur du voyage, & les frais qu'il falloit y employer les degouttoint d'entreprendre rien en cest endroit".

occupied with many great schemes". ¹⁰⁴ His son, having made his peace with France, had no such diversions. "It is thus a certain thing that your ancestors wisely foresaw, that they would have to endure their *seigneurs* if they were powerful, and that, in order to live at ease, the best method is to have them weak, or newly arrived, or exceedingly occupied with some great, difficult, and faraway enterprise". ¹⁰⁵ The author, in other words, offered exceptional grounds to account for an abnormality; effective rulers would have made a monarchy out of the Netherlands.

The same qualities which make the inhabitants rebellious also make them leaderless. Native leaders, and especially the nobility that do exist, cannot be trusted: "several among them are quite willing to sell themselves, if they find a buyer". 106 In support of this advice, the author cites foreign examples: the expulsion of the nobility by the Swiss cantons, and the Venetian practice of appointing a foreigner (rather than one of their seigneurs) as captain of the army; the import of both cases is discussed at some length in the *République*. 107 But the author also twice draws attention to the disaster of Gembloux of 31 January 1578, the Spanish victory which had turned the tables against the rebels. A "good and recent example" of lack of leadership is "what happened to this army, which levied out of season, cost much doing nothing, and was broken not so much by enemies as by itself". 108 Elsewhere, the author refers to Gembloux as "a small loss of itself, but it nevertheless shattered and almost opened the gates of all your towns to the enemy". 109 Rudderless decision-making is set against distinctive, oppositional Flemish and Walloon identities, which led the author to draw two conclusions. First, the peculiar, unwarlike, yet

¹⁰⁴ Lettre, 15: "si son ambition ne l'eut embesoigné continuellement en beaucoup de grandes choses".

¹⁰⁵ *Lettre*, 16: "C'est donc chose asseuree, que voz predecesseurs ont sagement preveu, qu'est ce qu'ils avoint a endurer de leurs Seigneurs, s'ils estoint puissans, & que pour vivre à leur aise, le plus grand moyen est de les avoir foibles, ou nouvellement venuz, ou bien fort affairez à quelque grande, difficile & lointaine entreprise".

¹⁰⁶ Lettre, 28: "plusieurs d[']entre euz assez enclins à se vendre s'ils trouvent un acheteur".

¹⁰⁷ Lettre, 29: On the fate of the Swiss nobility, see Bodin, *République* (1576), 79–80, and on the importance of killing or expelling the entire nobility, see also Bodin, *République* (1576), 681; on the Venetian army, see Bodin, *République* (1576), 591.

¹⁰⁸ Lettre, 10: "En quoy peut servir de bon & recent exemple, ce qui s'est faict de c[']est armee, qui levee hors de saison, & ayant cousté infiniment sans rien faire, a esté non tant rompue des ennemis que de soy mesmes".

¹⁰⁹ *Lettre*, 18: "il y a quatre mois une perte de soy petite, mais qui toutefois ebranla, & quasi ouvreit a l'ennemy les portes de toutes voz villes". The pamphlet was finished on 1 June 1578 so the allusion to Gembloux is unmistakable.

rebellious Flemish character means "that one must always protect the Flemings as far as possible from receiving any blow of a staff, and keep them away from involvement in fighting, in order to obtain succour in exchange from their riches and abundance". ¹¹⁰ And second,

generally in respect of all the provinces and all those accidents, to which affairs are liable, it is very necessary that they should not have a leader who fears for his skin, in the manner of a vassal who fights against his master, and will be forced to abandon them at the first shock, loved by some in his prosperity, and hated by all in adversity. Instead a Prince who as if turning all the efforts and threats of the enemies against himself and his person, can transform civil tumult into a foreign war, and will be sufficiently strong to endure and compensate for various losses, with a constant and assured appearance.¹¹¹

In the *République*, Bodin had stressed the magnificence of just such a foreign prince, who—"as the great Hercules had done"—avenged an unjustly oppressed people.¹¹² For Bodin, however, even those subjects who *thought* about slaying their sovereign prince, even if he were a tyrant, were guilty of lèse-majesty.¹¹³ Bodin's insistence on obedience, his direct opposition to the Huguenot monarchomachs, needs no elaboration here.¹¹⁴ But political theorists have also pointed that Bodin's conception of sovereignty was—too—malleable.¹¹⁵

And so it is on this seemingly fundamental issue. As Bodin made quite clear in the *République*, obedience was owed only to a *sovereign* prince. "Because if [the prince] is not absolutely sovereign, it is necessary that the sovereignty belongs to the people, or else to the *seigneurs*. In this case there is no doubt that it is licit to proceed against the tyrant by way of

¹¹⁰ Lettre, 21: "il faut touiour garder le Flammant autant qu'il est possible de ne recevoir aucun coup de baston, & retirer d'euz le fais de la guerre, pour s'aider en contrechange de leur richesses & abondance".

¹¹¹ Lettre, 21: "en general pour le respect de toutes les provinces, & pour tous evenemens, ausquels les choses sont sugettes, il leur est tres necessaire d'avoir non un chef qui à la façon du vassal qui combat contre son maistre, craigne sa peau, & soit contraint de les abbandonner du premier coup, aymé des uns en sa prosperité, & hay de tous en son adversité. Ains un Prince qui comme tournant tout l'effort & menaces des ennemis encontre soy & sa personne, face devenir le tumulte civil une guerre estrangere, & soit assez fort pour souffrir & reparer plusieurs pertes, avec constant & asseuré visage".

¹¹² Bodin, République (1576), 255: "comme fist le grand Hercules". Repeated in [Jean Bodin], Apologie de Rene Herpin pour la Republique de I. Bodin (Paris, 1581), 4vo.

¹¹³ Bodin, Republique (1576), 257.

¹¹⁴ Skinner, Foundations, 2: 284-301.

¹¹⁵ Franklin, "Sovereignty", 306.

justice... or to use violence and open force". 116 Bodin's example of the deaths of Nero and Maximinus was based on the rather dubious grounds that "Roman emperors were nothing else than princes of the Republic". 117 If one were to legitimate the Dutch Revolt in Bodinian terms therefore, one could only adopt the method employed in the *Lettre* by designating the Low Countries a popular state, explicitly labelling the ruler a tyrant, and (ideally) pressing for the intervention of a foreign prince. Among the reasons advanced for Anjou's cause were past French claims on Flanders and Artois: "The rights of sovereignty (souveraineté) which the house of France has always had over Flanders and Artois until the treaty of Madrid give *Monsieur* a sufficiently honest pretext to revenge the wrong that the Spaniard has done to his house". The Lettre here distinguished itself from its counterpart which maintained French claims. 119 If the Lettre legitimates revolt in Bodinian terms, a pamphlet, written ostensibly five months earlier, advocated obedience to the Spanish crown in very similar language. It is to this pamphlet that we must now turn.

3. *Standing up for Loyalty: The* Remonstrance aux Habitans du Païs Bas (1578)

The royal victory at Gembloux was, as the *Lettre* suggested, a game-changer, especially for Anjou. Mack Holt has linked Anjou's departure from court on 14 February 1578 directly to the defeat of the States army by Don Juan (Don John) of Austria, Farnese's predecessor as governor-general. Anjou's overtures had so far been spurned, the States turning towards Archduke Matthias, a younger brother of the Emperor, instead. After Gembloux, Orange and Matthias, who had made his Joyous Entry only days earlier, hurriedly left Brussels for the safety of Antwerp. On 11 February an informant warned Don Juan's envoy in Paris, the Seigneur de Vaulx,

¹¹⁶ Bodin, *République* (1576), 255: "car s'il n'est pas absoluëment souverain, il est necessaire que la souveraineté soit au peuple, ou bien aux seigneurs. En ce cas il n'y a doubte, qu'il ne soit licite de proceder contre le tyran, par voye de iustice, si on peut se prevaloir contre luy; ou bien par voye de fait & force ouverte, si autrement on ne peut se preualoir contre luy".

 $^{^{117}\,}$ Bodin, $R\acute{e}publique$ (1576), 255: "les Empereurs Romains, n'estoyent rien autre chose, que Princes de la Republique".

¹¹⁸ Lettre, 54: "les droits de souveraineté que la maison de France a de tout tans eu sur le Flandre & Artois, iusques au traitté de Madril, donnent à Monsieur assez d'honeste preteste, pour revanger le torte que l'Espagnol tient à sa maison".

¹¹⁹ Lettre contenant l'esclaircissement des actions... (above, note 81), 57: "nous n'avons oublié les droits de souveraineté que noz Roys ont touiour eu sur la Flandre & Artois".

¹²⁰ Holt, The Duke of Anjou, 96.

that the States-General were casting a second glance at Anjou, safe in the knowledge that he would not refuse. ¹²¹ The dedicatory letter of the loyalist pamphlet that concerns us here, the *Remonstrance aux Habitans du Païs Bas* (1578), is dated 25 January 1578, and there is good reason to assume that it was written last. ¹²² Bypassed by events as soon as it appeared, it seems to have gone unread by contemporaries and historians alike.

For the crown, Gembloux had marked a complete reversal of fortunes and it led to the abandonment of a strategy that had been adopted under duress. Cardinal de Granvelle, Philip's loval but disgraced minister and an avid reader of pamphlets, had observed that there was a time for words and a time for war.¹²³ Yet, words had been forced upon the Governor: as Don Juan's envoy in Cologne observed in the autumn of 1577, if the Governor was unable to use weapons he could still fight with the pen and the tongue. 124 They were also a means to win time. 125 Since Don Juan's break with the States-General in July 1577, both sides had engaged in a polemic which was couched in the language of the Pacification of Ghent. Already, on 8 August, Don Juan's agent, the Sieur de Gomiecourt, had announced to the loyal Council of Luxembourg the Governor's regret at witnessing the Prince of Orange "retire from the execution of the Pacification". 126 The pamphlet published by the States included intercepted letters which demonstrated that Don Juan had conspired with German mercenaries to seize the Antwerp fortress, implicitly and explicitly recalling the

¹²¹ Ch. Hirschauer, ed., Correspondance secrète de Jean Sarrazin... avec la cour de Namur (Arras: Rouard-Courtin, 1911), 12–15 (Letter 5).

 $^{^{122}}$ The signature (sig. a2rv) and page numbering (pp. 3–4) of the dedicatory letter (the work is dedicated in ironic fashion to the Prince of Orange) is identical to that of the subsequent page, suggesting that it was inserted last. It is included in only one of the five copies I have seen.

¹²³ Granvelle to Margaret of Parma, 21 February 1578: Edmond Poullet and Charles Piot, eds., *Correspondance du Cardinal de Granvelle, 1565–1586*, 12 vols. (Brussels: Commission royale d'histoire, 1877–1896), 7: 41–44 (Letter 15), here 42: "Quant l'on vient à l'exécution des armes, les papiers cessent."

¹²⁴ Jean Fonck to Don Juan, 30 November 1577: Joseph Lefèvre, ed., *Correspondance de Philippe II sur les affaires des Pays-Bas*, 2nd series, 1 (Brussels: Académie royale de Belgique, 1940), 140 (Letter 221).

¹²⁵ Don Juan told the king that his principal objective was "ganar tiempo en todo": Don Juan to Philip II, 20 October 1577: Baltasar Porreño, *Historia del Sereníssimo Señor D. Juan de Austria* (Madrid: La sociedad de bibliófilos españoles, 1899), 497 (Letter 58).

¹²⁶ Remonstrance faicte par le Sieur de Gomiecourt, de la part de son Altesse, aux Gouverneur, President, & gens du Conseil de sa Maiesté, Estatz du Pays & Duché de Luxembourg (s.l., [1577]), sig. A3vo: "Mais trop tost (au grand regret de son Altesse) l'on a remarqué par signes infallibles, combien ledict Prince d'Orange se retiroit de la conclusion de ladicte pacification". The oration was repeated in front of the States of Luxembourg on 19 August.

nightmare which had originally motivated the Pacification, the Spanish Fury—as would Anjou's debacle, the "French Fury", five years later. The *Discours sommier* made a mockery of Don Juan; the fact that he sold the contents of his wine cellar made it clear that the Governor never planned to return to Brussels.¹²⁷ In reply, Don Juan's followers composed the *Veritable récit*, again pointing to Orange's infractions of the Pacification. The work appeared, as one of the governor's supporters noted, "under the name of Don Juan", and with a royal privilege (dated 11 December 1577); this was the regime's official reply.¹²⁸ The loyalist position was so dire that no native printer could be found and the work had to be printed in Verdun.¹²⁹

The *Discours sommier* and the *Veritable récit* mark the official line adopted by both sides and were intended for both domestic and international consumption. Both sides sent copies for distribution at the court in Paris, and the States General sent copies as far away as Portugal. Certainly these were not the only works to appear. For instance, private correspondence links Don Juan to a pseudonymous, yet sycophantic, pamphlet which called for the names of Don Juan's followers to be etched "on every immortal soul to serve as a model and mark of fidelity to the whole world". But they do indicate a certain agenda against which other works can be measured. In the wake of the *Discours sommier*, for instance, a whole genre of collections of real and invented letters developed. 132

¹²⁷ [Marnix], Discours sommier, 17.

¹²⁸ Martin Antoine Delrio, *Mémoires de Martin Antoine Del Rio sur les troubles des Pays-Bas durant l'administration de Don Juan d'Autriche, 1576–1578*, ed. & trans. Adolphe Delvigne, 3 vols. (Brussels: Muquardt, 1869–71), 3:36. "Austriaci nomine". *Veritable récit des choses passees es Pays Bas, depuis la venue du Seigneur Don Iehan d'Austrice* (Luxembourg [Verdun?], 1577) [Knuttel no. 315a], sig. x2.

¹²⁹ Monica Stensland, "Habsburg communication in the Dutch revolt, 1567–1609" (DPhil dissertation, University of Oxford, 2008), 164 (recently published by Amsterdam University Press).

^{130'} Acts of the States-General, 14 December 1577: Louis Prosper Gachard, ed., *Actes des États-Généraux*, 1 (Brussels: Muquardt, 1861), 299 (number 933); on the distribution of both pamphlets at the French court, see the reports to Don Juan, reprinted in Poullet and Piot, eds., *Granvelle*, 6: 570–72, 6: 605 (Letters 210 and 229).

¹³¹ Apologie contre certain discours emis soubs le nom des etats generaux des Pays bas (s.l., [1577]) [Knuttel no. 316], 64–5: "graver sur quelque l[']ame immortelle pour servir de patron & marque de fidelité à tout le monde".

¹³² For example, Epistres Belgiques: par lesquelles est discouru de la cause & du progres des Troubles, qui de present regnent en Flandre (Reims, 1578) [this work does appear to be a genuine production, written by an aide to Don Juan and printed by the Reims-based printer Jean de Foigny]; and the rebuttal with invented replies, Lettres d'advertissement a la noblesse et aultres deputez des estats generaulx du Païs Bas (Frankfurt [=Antwerp], 1578) [Knuttel no. 349], with the running title "Epistres antibelgiques".

In contrast, the author of the *Remonstrance* had read both official pamphlets but took a very different approach.¹³³ Its author was no typical loyalist: no loyalist would inform the reader that Philip's other kingdoms would be happy for the Netherlands to go their own way.¹³⁴ Similarly, while loyalists saw the Pacification as a troubling document that Don Juan nevertheless upheld, the *Remonstrance* declared that the governor was "the only author of the Pacification of Ghent".¹³⁵ Don Juan had been absent from the negotiations; the comment makes sense only within Bodinian political theory (where the agreement would not be valid without royal assent), not as part of official propaganda. I argue that the *Remonstrance* offers us an alternative (earlier) Bodinian viewpoint of the Revolt; it is, in a sense, the *République* in miniature and a case study.

As with the previous pamphlet, the *Remonstrance* appeared ostensibly at Reims. The name of the printer, Nicolas Martin, is fictitious. The printer's mark points to Lyon as the place of publication. Only four works were published under this pseudonym, one of which was a copy of the treaty that Anjou had signed with the States six months later—possibly more than a coincidence. The author's name, Braechmus Danuis Seigneur of Hilorue (which does not in fact exist), appears to offer no clues, but the text itself suggests, once more, French authorship. The author uses French terms and republishes a letter by the Turk praising Don Juan which had originally been published in Paris. The author considers the

¹³³ Braechmus Danuis [pseud.], Remonstrance aux habitans du Païs Bas, declarant amplement les vrays moyens pour les induire à demeurer constans en leurs deüe obeïssance (Reims, 1578) [Knuttel no. 383], 41, 45.

¹³⁴ Danuis, Remonstrance, 26.

¹³⁵ Danuis, Remonstrance, 29: "seul autheur de la pacification".

¹³⁶ Sybille von Gültlingen, ed., *Répertoire bibliographique des livres imprimés en France au seizième siècle*, vol. 5 (Baden-Baden & Bouxwiller: Éditions Valentin Koerner, 1996), 252; Georges Lepreux, *Gallia Typographica*, série départmentale, vol. 2 (Paris: Librairie ancienne Honoré Champion, 1911), 289–90. The device is a variant of the *fleur-de-lis* which belonged to the Lyon-based printer Jacques Moderne (fl. 1539–1548) and may have been used by his heirs. I am grateful to Malcolm Walsby of the French Vernacular Book Project for this reference. See also the reproduction of this device in Denis Guérin, *Introduction à la lecture des marques typographiques* (Paris: Association Limage, 1977), 65 (no. 208).

¹³⁷ I am indebted to Malcolm Walsby who originally pointed me to this particular version of the *Accord et alliance*. The other two pamphlets, entries 34897 and 19697 in the Universal Short Title Catalogue, appeared in Vienne in 1573, and in Lyon in 1597 respectively. The printer pseudonyms of the two *Lettres* discussed above had similarly been used before. Presumably such names circulated through book fair catalogues. Universal Short Title Catalogue (University of St Andrews), http://www.ustc.ac.uk.

¹³⁸ For example, the reference to the "parlement" of Mechlin (Danuis, *Remonstrance*, 9); the references to "les tailles & gabelle" (Danuis, *Remonstrance*, 239); and the letter "imprimee à Paris en l'an 1572", re-printed in Danuis, *Remonstrance*, 31–2.

current Netherlandish obsession with enriching oneself at the expense of other people's property (incidentally, the hallmark of a Bodinian popular state) to be "very different from what I perceived amongst you, during my studies". The most significant personal detail is the record of a meeting with "the ambassador to [Philip II] from some other great King [who] has told me (God is my witness) that the virtuous actions of his Catholic majesty compelled him to accord the latter the reputation of a true saint". Given that the only king, apart from Philip, praised in this account is the King of France, the anecdote appears to imply familiarity with the French court. He

The aim of the *Remonstrance* was to set out, in a form reminiscent of the *République*, what the best sort of government looked like, before demonstrating that the inhabitants of the Low Countries possessed this form and therefore had no cause to rebel. It is, of course, a much shorter treatise than the *République* and the author regularly refers to the need for brevity. He does not have time to discuss "the success of your ancestors before the union of your lands under one superior, or the sort of religion they held before the reception of the Christian faith", and other such things.¹⁴² He also notes how "the brevity of this *discours* does not permit me to treat at great length how justice has at all time been administered amongst you".¹⁴³ Despite this brevity though, the author offers a fully-fledged political theory:

We must then understand first of all that it is indisputable that among the three sorts of government, namely the Democratic or popular, Aristocratic or that of a number of nobles, and the Monarchic, that is to say the

¹³⁹ Danuis, *Remonstrance*, 18: "Ce qui est grandement different à ce que i'ay congneu autresfois entre vous, pendant mes estudes". The author does not state *where* his studies took place; he could have met Netherlandish students at any major European university. It is the distinction between himself and the Netherlanders that is relevant here.

 $^{^{140}\,}$ Danuis, Remonstrance, 14: "Ambassadeur vers sa maiesté pour quelque autre grand Roy, m[']a compté (Dieu m'en est tesmoing) que les vertueuses actions de sa maiesté Catholique Le contraignoyent de le reputer un vray sainct." The same ambassador also reported that the king's servants live "comme s'ilz estoyent Religieux en un Monastere bien reiglé".

 $^{^{141}}$ Danuis, $Remonstrance,\,32$ where the author declares that there is no prince "mieux suivy de Noblesse" than Don Juan "exceptez l'Empereur, le Roy de France & le Roy Catholique son frere".

Danuis, Remonstrance, 4: "le succez de voz ancestres devant l'union de voz pays soubz un superieur, ny quelle sorte de Religion ilz ont tenue devant la reception de la foy Chrestienne".

¹⁴³ Danuis, *Remonstrance*, 9: "La briefueté de ce discours ne me permect de traicter plus au long, avec quel ordre la Iustice a esté de tout temps administrée entre vous".

government of one person, the monarchic is thought the best and the most in conformity as much with divine law (which commands us to obey one single God), as with the law of nature, as the honey bees demonstrate in following one of them as their King. 144

It is only since 1525 (*i.e.* since the battle of Pavia) that the Netherlands have enjoyed the blessed state of being united under a single ruler. 145

Kingship began with the original institution of kings, as a defence of the poor against the rich. The discussion then sought to prove that Philip II possessed the necessary virtues more than any other prince in the past 300 years—the reference here is to Saint Louis of France. There are only "two ways of holding subjects in obedience, namely by love or by fear", with Philip ruling by the former. Here too we can see echoes of the *République*. A passage from the text used to substantiate the institution of kings, Cicero's *De officiis*, features prominently as the motto of the 1577 Genevan

Danuis, Remonstrance, 4–5: "il nous faut donc entendre premierement qu'il est hors de toute controverse qu'entre les trois sortes de gouvernemens. Assavoir Democratique ou populaire, Aristocratique, ou celuy d'un nombre de nobles, & Monarchique, c'est à dire le gouvernement d'une personne. Le Monarchique est estimé le principal, & le plus conforme tant au droict divin, (qui nous commande d'obeyr à un seul Dieu,) que à la loy de nature (comme les mouches a miel, nous demonstrent en suivant l'un d'entre eux comme leur Roy)". The passage recalls Bodin, République (1576), 219: "il n'y a que trois estats, ou trois sortes de Republiques, asçavoir la monarchie, l'Aristocratie, & la Democratie"; and the analogies made in République (1576), 695–96, where "ce grand monde… n'a qu'un Dieu souverain," and "iusques aux animaux sociables, nous voyons qu'ils ne peuvent souffrir plusieurs Roys".

Danuis, *Remonstrance*, 5: "Et combien que plusieurs de voz pays ayent esté tousiours quasi regiz par telle sorte de gouvernement: toutesfois c'est de nostre temps que vous estes parvenuz a ceste grande felicité, que d'estre reüniz ensemble & subiectz a un seul superieur, (signamment la Flandre depuis l'an 1525) ce qui à retranché les guerres immortelles accoustumées entre vous".

¹⁴⁶ Danuis, *Remonstrance*, 11–12: Cf. Bodin, *République* (1576), 50, 234, 238–45. The treatment of the origins of kingship in the *Remonstrance* is inconsistent with Bodin's complicated discussion of the subject, possibly on account of the pamphlet's brevity. It is true that Bodin refutes the theory that "les premiers Roys ont esté choisiz pour leur iustice & vertu" (*République* (1576), 50) which he attributes to Cicero and others, who had been misled by Herodotus. According to Bodin the first monarchies were seigneural and the first kings *seigneurs*, "governant ses sugets comme le pere de famille ses esclaves" (*République*, 234). Yet, it is only when a seigneur restores the liberty of his subjects that "de seigneur il devient Roy, & change la Monarchie seigneurale en Royale" (*République*, 239). Kings may be elected for their virtue or for their beauty (240) or obtain their crown in a myriad of other ways; it is the appropriate exercise of his office that makes a sovereign a king. The discrepancy could by accounted for by a professed need for brevity (see below, note 150).

¹⁴⁷ Danuis, *Remonstrance*, 10. See Bodin, *République* (1576), 561 for the jurist's praise of St Louis. It is perhaps also worth noting that in Jean Bodin, *Lettre de monsieur Bodin* (Paris, 1590), 8, Philip II is described as "sans flaterie, le plus grand Prince portant titre de Roy, qui fut il y a cinq cens ans en la Chrestienté".

pirate edition of the *République*, and Bodin relied on the *De officiis* in his discussion of the division of wealth between rich and poor.¹⁴⁸ It is among those alluded to and paraphrased in the pamphlet¹⁴⁹—"without amusing myself with what is written in the Old Testament and *by some authors* on this subject".¹⁵⁰ The idea that Philip's governors sought to establish a tyranny is dismissed.¹⁵¹ Subjects have simply abused Philip's "doulceur" and committed rebellions "as much against God as against your Prince, to the great detriment of your Commonwealth".¹⁵²

The political theory set out, and its application to the Low Countries, were buttressed, like Bodin's, by historical analysis and by astrology. In the pamphlet's opening lines the author claims that key to avoiding the loss of body, soul and goods, was "the understanding of histories, which, together with experience, shows clearly that nothing is constant in this terrestrial word, which is not subject to some change, except the word of God". The author repeatedly argues that historical comparisons must be placed in their appropriate geographical contexts: "One must understand that men, well-versed in *histoires*, have remarked that those who exist under a similar climate are similarly subject to the same events, whether it be in matters of religion or other such things". The Given what has happened in Germany, France, England, and Scotland, it is not surprising to see the same happening in the Low Countries. Elsewhere, the author

¹⁴⁸ Jean Bodin, Les Six livres de la republique de Bodin Angevin ([Geneva], 1577), sig. ¶6vo. On Jean Bodin and the Roman theory of justice, see Eric Nelson, The Greek Tradition in Republican Thought (Cambridge: Cambridge University Press, 2004), 99.

¹⁴⁹ Danuis, Remonstrance, 14.

 $^{^{150}}$ Danuis, *Remonstrance*, 11: "sans m'amuser à ce qui est escrit au vieil Testament, & par aucuns autheurs sur tel subiect". Emphasis added. It is the example of Nimrod, grandson of Ham, in Genesis 10 that led Bodin to disagree with Cicero: see Bodin, *République* (1576), 50.

¹⁵¹ Danuis, Remonstrance, 15.

¹⁵² Danuis, *Remonstrance*, 15: "tant contre Dieu que contre vostre Prince, au grand detriment de vostre Republique".

¹⁵³ Danuis, *Remonstrance*, 3 [the second page 3]: "afin d'eviter l'apparente perte, tant de voz ames, que de voz corps & biens: (comme tous ceux qui iadis se sont rebellez contre Dieu & leur Prince, & continué iusques à la mort ont experimenté) Il faut entendre, que le seul moyen pour remedier à tels inconveniens, consiste (apres la saincte escripture) en l'intelligence des histoires, lesquelles, avec l'experience, demonstrent evidemment, qu'il n'y a rien de constant en ce monde terrestre, qui ne soit subiect à quelque changement, excepté la parolle de Dieu".

Danuis, Remonstrance, 17: "Il fault entendre que les hommes bien versez és histoires, ont remarqué que ceux qui sont soubz un mesme climat sont communément subiectz à mesmes accidens, soit en matiere de Religion, ou autres semblables accidens".

remarks that "you are infinitely indebted to God for having established religion so well in your country through so great a number of holy martyrs that you are the last of your neighbours *under the same climate* to have been instructed in the evil doctrine of Machiavelli". The Netherlanders could not be like the Free Cities of the Empire, "because they are robust and nourished by war and, besides, they are surrounded for the most part by high mountains, not bordering upon such neighbours as yours". The *République* had maintained that mountainous cities were more likely to rebel than cities on plains. The

The pamphlet's interest in history is paired with one in astrology. The inhabitants of the Low Countries could be certain of punishment, in the light of histories and experience of the present, "but also through the revolutions of the stars while the secret judgments of God are reserved to His divine power". Elsewhere, the author refers to the "several wise men of our time" who have studied "judicial astrology". It is not implausible to read these references to contemporary scholarship and scholars as references to Bodin. In the *République*, Bodin argued that the best way to end civil unrest was for "a virtuous and wise man, who has gained a reputation of honour and justice" to bring people back to reason, and if necessary, for a wise foreigner to interpose himself. Given these references to Bodin's thought, it seems more than likely that the French author of the *Remonstrance* sought to put into practice what Bodin had preached.

¹⁵⁵ Danuis, *Remonstrance*, 5: "vous estes infiniement obligez a Dieu, pour l'avoir si bien plantée en voz païs, par un si grand nombre de saincts martirs, & de ce que vous estes les derniers de voz voisins souz un mesme climat, à estre instruitz en la meschante doctrine de Machiavel...qu'il est necessaire à celuy qui voudroit usurper l'Empire ou iurisdiction d'autruy, de prendre quelque religion".

¹⁵⁶ Danuis, Remonstrance, 26: "Car ils sont robustes, & nourris à la guerre: & outre ils sont environnez la plus part de haultes montaignes, non aboutissans à tels voisins que vous".

¹⁵⁷ Bodin, République (1576), 516.

¹⁵⁸ Danuis, *Remonstrance*, 49: "tant par la revolution des Astres, encores que les iugemens secretz de Dieu soient reservez à sa puissance divine". See Bodin's defence of "la recherche des astres" in Bodin, *République*, 429–30.

¹⁵⁹ Danuis, *Remonstrance*, 23: "plusieurs doctes hommes de nostre temps"; "Astrologie iudiciaire". Bodin employs the phrase "astrologie iudiciaire" only in his [Bodin], *Apologie de Rene Herpin*, 26vo.

 $^{^{160}}$ Bodin, *République* (1576), 508: "un vertueux & sage homme qui ayt gaigné la reputation d'honneur & Iustice".

4. Postscript

The Remonstrance offers more than a restatement of the theories of the *République*; it appears also to recapture Bodin's heterodox religious views. An emphasis on atonement runs throughout the work. The *Remonstrance* observes that "our Churchmen" are in what concerns their morals "contravening almost directly in all things their original institution", so much so that there is "a great need for a good reformation" to move God to have pity upon us.¹⁶¹ Even William of Orange is told, with reference to the biblical example of Nebuchadnezzar, that "God does not refuse mercy to him who asks it with contrition in his heart and repentance of his offences". 162 The author tells the inhabitants of the Low Countries that they knew "that the only way towards your tranquillity is to repent of your sins, cry for pardon from God and keep to the last Pacification". 163 Failure, the author threatens, would lead to a fate out of the Old Testament—and similar to that outlined in the Lettre: "Your lands and goods will be taken over by strangers and the most beautiful of your women and daughters will be conjoint onto them and thus mix their race with a foreign one". 164 Their fate will be worse than that of the Jews, "from whose posterity a number is still alive, living among the other nations, keeping to their original religion". 165

In this chapter I have taken Bodin's changing perspective on the Dutch Revolt as my starting point, arguing that Bodin's application of the theories of the *République*—on which he draws explicitly in his correspondence—could offer a standard by which to measure the application (or reception) of these theories in two, at first sight very different, pamphlets. It would be difficult to argue that these two pamphlets, written shortly after the publication of the *République*, did not, at the very least, demonstrate its reception. Yet, their study raises questions of authorship as well. Was the

Danuis, Remonstrance, 6: "speciallement noz gens d'Eglise en ce qui concerne leurs moeurs, contrevenans quasi directement en toutes choses à leur premiere institution que nous avons grand besoing d'une beau reformation pour emouvoir Dieu avoir pitié de nous".

¹⁶² Danuis, *Remonstrance*, 3–4: "Dieu ne reffuse sa misericorde à celuy qui la demande avec contrition de cueur & repentance de ses offences".

¹⁶³ Danuis, *Remonstrance*, ⁴⁹: "vous congnoistrez que l'unique moyen de vostre repos est de vous repentir de voz pechez, & crier pardon à Dieu".

 $^{^{164}\,}$ Danuis, Remonstrance, 51: "& seront leurs terres & biens possedez des estrangers . . . & demeureront les plus belle de leurs femmes & fills pour estre conioinctes avec eux: & ainsi mesler leur race avec l'estrangiere".

¹⁶⁵ Danuis, *Remonstrance*, ⁴⁹: "de la posterité desquelz il y a encores quelque nombre en vie, frequentans parmy les autres nations, & gardans leur premiere religion".

Anjou supporter who composed the *Lettre* possibly French? Is it possible that Bodin himself or a colleague wrote in support of Anjou? Might it be possible that, prior to Anjou's involvement, Bodin himself practised what he had preached? (And if not Bodin, who did?) In the case of the *Remonstrance* especially, I would submit that its author might seem to have received Bodin's religious views rather well. As Ann Blair elsewhere in this volume points out, contemporaries did not readily recognize Bodin's authorship of the *Apologie de René Herpin*. Fequally, the significance of Bodin's anecdote about his friend's guardian angel was not realised until the twentieth century. Bodin's known use of pseudonyms means that the hypothesis cannot be instantly dismissed, nor should we expect a Bodinian work to have been instantly recognized by his contemporaries.

Authorship raises additional questions that cannot be addressed here—problems of which Bodin scholars, in particular, are well aware. Too much reception could, in the opinion of some, even denote forgery. 169 If the two pamphlets are Bodin's, they could in turn shed further light on the Angevin's intellectual developments explored in the first part of this chapter. The arguments expressed in both pamphlets appear to fit this trajectory well. Bodin's original opinion of the Low Countries, as a territory only recently united under monarchical rule, finds expression in the Remonstrance. There are similarities between Bodin's diagnosis of the Low Countries in the letter to Trouillart and the Lettre; only the proposed cure differs. Bodin had sought to reconcile both his opposition to the Crown at the Estates-General in 1576 and his support for the Catholic League in the late 1580s with political theory. The *Lettre* justifies Anjou's involvement in the Low Countries in terms that the jurist may have found acceptable. In this tentative reading, Bodin, having witnessed Anjou's failure, came to regard popular rule rather than the involvement

¹⁶⁶ The issue of Bodin's religion remains a matter of debate, and I do not mean to pretend that the debate has been settled. I am here only pointing to the emphasis on the atonement of sin and an interest in Judaism, elements one might not expect from a Catholic loyalist. On Bodin's religion, see especially Paul L. Rose, *Bodin and the Great God of Nature: The Moral and Religious Universe of a Judaiser* (Geneva: Droz, 1980).

¹⁶⁷ See above, pp. 142–4.

¹⁶⁸ On Bodin's daemon, see Robin Briggs, "Dubious Messengers: Bodin's Daemon, the Spirit World and the Sadducees", in *Angels in the Early Modern World*, ed. Peter Marshall and Alexandra Walsham (Cambridge: Cambridge University Press, 2006), 168–90.

¹⁶⁹ The reference here is, of course, to the recent debate surrounding the authorship of the *Colloquium Heptaplomeres*. On this, see especially Noel Malcolm, "Jean Bodin and the Authorship of the 'Colloquium Heptaplomeres'", *Journal of the Warburg and Courtauld Institutes* 69 (2006): 95–150.

of a foreign prince as more agreeable to the customs of the inhabitants and the country's climate.

Ultimately, whether the pamphlets were written by Bodin himself or by followers, one conclusion can certainly be drawn. For the only sensible advice they could communicate to Anjou was to stay well away from this bastardised polity, the very nature of which led necessarily to continual instability. Were matters otherwise, the theory itself would have to be abandoned: a concession of defeat which philosophers have found it much easier to avoid than have political and military leaders.

CHAPTER EIGHT

READING FROM THE MARGINS: SOME INSIGHTS INTO THE EARLY RECEPTION OF BODIN'S *METHODUS*

Sara Miglietti

The Methodus ad facilem historiarum cognitionem was Bodin's third published work after his commentary on Oppian's Cynegetica (1555) and his oration supporting the establishment of a public college for the education of Tolosan youth (1559); and it was his very first work to enjoy wide and lasting success both in France and abroad. It first appeared in Paris in 1566, and was then reprinted six years later by the same publisher, Martin Le Jeune, in a revised edition which also included a large amount of authorial variants and additions; it was the text of this second, augmented edition that would later provide the basis for a number of new editions throughout all Europe (Basel 1576, 1579; Heidelberg 1583, 1591; Geneva 1595, 1610; Strassburg 1598, 1599, 1607, 1627; Amsterdam 1650). From 1591 the Congregation of the Index had declared the Methodus forbidden "until it is corrected (donec corrigatur)";1 yet, although Bodin never seems to have made any effort to meet the Congregation's requirements, the Roman prohibition did not, by any means, prevent the *Methodus* from being read in Catholic countries such as Italy (usually with special permission from the Inquisitors), while Bodin's anti-papal feelings, which clearly emerge from the text on many occasions, may in fact have been directly beneficial to his reception in the Reformed countries.

Modern critics have often tended to consider the *Methodus* a 'minor' or 'preliminary' work compared to Bodin's political masterpiece, the *Six Livres*

¹ See Roland Crahay, "Jean Bodin devant la censure: la condamnation de la République," Il pensiero politico 14 (1981): 154–72; Luigi Firpo, "Ancora sulla condanna di Bodin," Il pensiero politico 14 (1981): 173–86; Artemio E. Baldini, "Jean Bodin e l'Indice dei Libri proibiti," in Censura ecclesiastica e cultura politica in Italia tra Cinquecento e Seicento, ed. Cristina Stango (Florence: Olschki, 2000), 79–100; Artemio E. Baldini, "Primi attacchi romani alla République di Bodin sul finire del 1588. I testi di Minuccio Minucci e di Filippo Sega," Il pensiero politico 34 (2001): 3–41; Peter Godman, The Saint as Censor. Robert Bellarmine between Inquisition and Index (Leiden: Brill, 2000), 244–7.

de la république (first French edition 1576; first Latin edition 1586);² hence, I believe, a certain lack of specific interest in the history of its reception through the centuries.³ While it may be true that the *Methodus* was, at some point, overshadowed by the greater reputation of the *République*, and that Bodin's name, even in his own times, was more easily associated with the latter, still it would be too hasty to conclude that the *Methodus* has never had a fortune of its own, either because it was rarely read, or because it only enjoyed the reflected glory of its younger but more successful sibling, the *République*. What I wish to show is not only that the *Methodus* was widely read,⁴ but also that its many readers tended to be more interested by those aspects which set it apart from the *République*, than by those which pointed to a deep continuity between the two works. While there are exceptions to this, the *Methodus* was usually understood as a distinct, independent work which owed little or none of its interest to the fact of its being the 'ancestor' of the *République*.

Conceived by its author as a 'method' or aid to the study of history, the *Methodus* covered, as such, a whole variety of related fields: dialectics, geography, numerology, astronomy (and astrology), medicine, law, Biblical studies, chronology, linguistics—and politics too, of course, though not with the same focus as that of the later *République*.

Because it offers extended treatment to so wide a range of subjects, the *Methodus* has appeared to more than one modern critic as an utterly discursive and erratic work.⁵ Strange fate indeed for a book devoted to

² See the comparative discussion in Girolamo Cotroneo, "Introduzione allo studio della *Methodus* di Jean Bodin (1530?–1596)," *Atti dell'Accademia Pontaniana* 13 (1964): 221–3. Cotroneo also devoted specific studies to the relationship between the *Methodus* and the *République*: see for instance "Ancora sui rapporti fra la *Methodus* e la *République*," in *La* République *di Jean Bodin: actes du colloque de Pérouse* (Florence: Olschki, 1981), 18–25.

There have been, however, a few exceptions: Leonard F. Dean, "Bodin's *Methodus* in England before 1625," *Studies in Philology* 39 (1942): 160–6; Girolamo Cotroneo, "A Renaissance Source of the *Scienza Nuova*: Jean Bodin's *Methodus*," in *Giambattista Vico. An International Symposium*, ed. Giorgio Tagliacozzo and Hayden V. White (Baltimore: The Johns Hopkins Press, 1969), 51–9; Martim de Albuquerque, *Jean Bodin na Peninsula Ibérica* (Paris: Fundação Calouste Gulbenkian, 1978); Gregory Woods, "Antonio Possevino and the Erasmian Sources of the Jesuit *ars historica*" (PhD dissertation, Columbia University, 1990); Igor Melani, *Il tribunale della storia. Leggere la "Methodus" di Jean Bodin* (Florence: Olschki, 2006), 267–318; Anthony Grafton, *What was History? The Art of History in Early Modern Europe* (Cambridge MA: Harvard University Press, 2007), 189–254.

⁴ On the significance of reading and annotation as an aspect of 'reception', see above, p. 27.

⁵ See discussion in John L. Brown, *The* Methodus ad facilem historiarum cognitionem of *Jean Bodin: a Critical Study* (Washington, D.C.: Catholic University of America Press, 1939), xiii, cf. 86.

methodical learning and preoccupied throughout with the problem of order! As a matter of fact, however disorganized the *Methodus* may seem nowadays, its early-modern readers were apparently not so much troubled by its seeming disorder⁶ as attracted by the formidable curiosity, creativity and erudition displayed by its author. While the great variety of matters discussed (and the apparent randomness with which these seemed to follow one another) might have discouraged reading of a continuous, fromcover-to-cover kind, precisely the same characteristic made the *Methodus* perfect for encyclopedic use, especially after the introduction (in 1572) of a rich table of contents arranged alphabetically. Moreover, Bodin's brilliant Latin style, featuring plenty of pithy sentences, similes and other figures of speech, could be a matter of interest in its own right; indeed, the elegant accuracy of Bodin's language was possibly the only merit that was scarcely ever denied to him, even by harsh critics such as Joseph Justus Scaliger.⁷ For all such reasons, the *Methodus* provided excellent means both for beginners and for more established readers to practise that 'ars excerpendi' on which Bodin himself had given plenty of useful advice in the third chapter of his book.8

Whether for its content or for its style, the *Methodus* was capable of pleasing a wide range of readers. Bodin may even have designed it deliberately to reach such a readership, for whilst he was clearly not aiming at writing a book for simple beginners, 9 he still insisted on the introductory

 $^{^{6}\,}$ But cf. Dominque Couzinet's dissection of Bodin's method, above, chapter 2 of this volume.

⁷ But cf. Filippo Sega's view, below, pp. 225–6. Scaliger's opinion as reported in Nicolas Lenglet du Fresnoy, *Méthode pour étudier l'histoire* (1713), is quoted from Richard Rawlinson, trans., *A New Method of Studying History, Geography and Chronology*, 2 vols. (London: Davis, 1730), 2: xiii–xiv: "Joseph Scaliger, who admired no man's works but his own, has praised his style, though he has blamed his method." Scaliger's harsh criticism of Bodin was reported word for word by Pierre Bayle in his *Dictionnaire historique et critique* (Amsterdam etc.: P. Brunel, 1740, s.v. "Bodin", note N).

⁸ See, notably, Elizabeth Décultot, "L'art de l'extrait: définition, évolution, enjeux," and Anthony Grafton, "Les lieux communs chez les humanistes," both in *Lire, copier, écrire: les bibliothèques manuscrites et leurs usages au XVIIIe siècle*, ed. Elizabeth Décultot (Paris: CNRS, 2003); Ann Blair, "Note Taking as an Art of Transmission," *Critical Inquiry* 31 (2004): 85–107; Richard Yeo, "Notebooks as Memory Aids: Precepts and Practices in Early Modern England," *Memory Studies* 1 (2008): 115–36; Ann Blair, *Too Much to Know. Managing Scholarly Information before the Modern Age* (New Haven CT: Yale University Press, 2010), cap. 2 and bibliography for further references. For the strong connection between the "ars excerpendi" and the "ars historica," see Grafton, *What was History?*, 208–24.

⁹ This is, at least, the feeling of many an ancient reader. It is once again Lenglet du Fresnoy who bears witness to this, reporting that Bodin had "an admirable Latin style, a sublime manner, and such a bold way of thinking, that has made many of opinion, that his

nature of his work. This peculiar flexibility may help to explain why, by the first half of the seventeenth century, copies of the book can be found in the hands of people as diverse as German Protestant princes, English schoolboys, erudite Italian monks grappling with biblical prophecies and sacred chronology, as well as lawyers, doctors, printers...

In which countries was the Methodus more widely distributed? How was it read, in what contexts, and for what reasons? These were my initial questions when embarking on a systematic search of extant copies of the work, in order to update and even enhance the results of the remarkable survey produced in 1990 by Roland Crahay and his fellow members of the Séminaire bibliographique in Mons. 10 Through this research, not only was I was able to trace a large number of copies that had not been included in the previous survey,11 but I also discovered in more than one half of these copies some sign of readership, such as marginalia, underlinings, deleted (usually censored) passages, ownership marks, and the like. A large proportion of these traces had been left by early readers (sixteenth, seventeenth, early eighteenth centuries). 12 Although this fact in itself was not surprising, it was none the less a helpful indicator that the *Methodus* had enjoyed a wide and active reception, and that it had been used by its readers in ways that could be more thoroughly assessed. I therefore proceeded to examine those annotated copies more closely, and thereby

method was too high for beginners, and that it was necessary to be practised and founded in knowledge of History to use him with profit" (*New Method*, trans. Rawlinson, xiv).

¹⁰ Roland Crahay, Marie-Thérèse Isaac and Marie-Thérèse Lenger, eds., Bibliographie critique des éditions anciennes de Bodin (Brussels: Académie Royale de Belgique, 1992), 19–49.

Thanks to search engines such as Worldcat and the Karlsruhe Virtual Catalog, it is now much easier than ever before to conduct surveys of this kind. After this first stage, I contacted all the libraries involved in my survey to make sure that the electronic results match their actual holdings. Not all of them have yet replied, so there might be some margin of error in my results. Overall 779 copies have been located so far, a number which I expect to grow. I should also add that two copies of the *Methodus*, once held in Berlin, were lost during the Second World War, while two more copies (formerly held in Gotha and Hanover) were lost in unknown circumstances. See Table 1 for an overview of the current geographical distribution of the extant copies.

¹² I have personally examined eighty-six copies so far. Seventy-four of them were materially in my hands (three in France, thirty-four in Italy, fifteen in the United States and Canada, two in Switzerland, twenty in England); in some cases I relied on digital reproductions of German, Belgian, and French copies now available online. A few librarians were so kind to examine the copies held in their libraries for me, and to send me pictures of any relevant detail; I would like to express my deepest gratitude for their help.

to gather some fresh and direct evidence about the early reception of the Methodus.¹³

Annotated books offer an invaluable vantage point for reception studies. This is true, of course, in all those cases where the annotations are 'elaborated' marginalia commenting on a particular passage, revealing the point of view of the reader, contributing cross-references and new bits of information, and so forth. But such cases are rare. Far more often marginalia consist simply of single words or short sentences, typically taken directly from the text, which the reader would note in the margin either for mnemonic purposes or to make the passage more easily retrievable for later use. Passages so highlighted would then usually be copied into a separate notebook, arranged according to the same topical headings which had been added in the margins of the book.¹⁴ Although the substance of these marginalia may be of little immediate interest, their sheer existence is often meaningful and potentially useful for reception studies. For instance, it is often hard to establish whether one author quoting another had consulted the original source or was simply relying on second-hand accounts; whereas access to the former's working copy of the latter's work might furnish conclusive evidence of first-hand knowledge. Robert Burton's thickly annotated copy of a 1591 Methodus, for instance, clearly indicates that the great Oxonian scholar had worked directly, and very meticulously indeed, on Bodin's original text, gathering materials that would be later incorporated into his own *Anatomy of Melancholy*. ¹⁵

I was inspired to do that by the similar research conducted by Ann Blair on copies of Bodin's *Universae Naturae Theatrum* (see Ann Blair, *The Theater of Nature. Jean Bodin and Renaissance Science*, Princeton, NJ: Princeton University Press, 1997). Other sources of guidance were: Virginia Stern, *Gabriel Harvey: His Life, Marginalia and Library* (Oxford: Clarendon Press, 1979); William H. Sherman, *John Dee. The Politics of Reading and Writing in the English Renaissance* (Amherst: University of Massachusetts Press, 1995), especially sections II.3–4; William H. Sherman, *Used books: Marking Readers in Renaissance England* (Philadelphia: University of Pennsylvania Press, 2007); William H. Sherman, "What did Renaissance Readers Write in their Books?" in *Books and Readers in Early Modern England: Material Studies*, ed. Jennifer Andersen and Elizabeth Sauer (Philadelphia: University of Pennsylvania Press, 2001). See also Jean-Marie Chatelain, "Libri postillati e tradizione umanistica," in *Nel mondo delle postille. I libri a stampa con note manoscritte*, ed. Edoardo Barbieri (Milan: CUSL, 2003), 105–23; H. J. Jackson, *Marginalia: Readers Writing in Books* (New Haven CT: Yale University Press, 2001).

¹⁴ See Vernon F. Snow, "Francis Bacon's Advice to Fulke Greville on Research Techniques," *Huntington Library Quarterly* 23 (1960): 369–78; see also the other references mentioned above.

¹⁵ See below for further details.

Beyond individual readers' responses, annotated books can provide useful information of a broader kind about the reception of a particular work. When these books bear some kind of identifiable mark of ownership (as they often do), they testify, collectively, to the social and cultural environments in which a particular work enjoyed circulation, as well as the ways in which it was read. We are offered opportunities to catch glimpses of that vast crowd of 'mere' readers who never became authors in their turn, and whose reading strategies we will hardly be able to uncover unless we retrieve material evidence such as their annotations to the books they owned. By and large, therefore, the examination of annotated books is potentially a vital dimension of reception studies.

Working from this standpoint, I hope to contribute towards answering some of the above-mentioned questions about the early reception of Bodin's *Methodus*. I shall first present a brief outline of my survey of extant copies of the *Methodus*. I shall then consider in more detail a few cases which seem particularly worthy of attention. Finally, in the light of all evidence gathered so far, I shall attempt to formulate some generalisations by no means intended as conclusive findings, but, rather, as a spur to further research.¹⁶

As already mentioned, between 1566 and 1650 the *Methodus* was printed thirteen times in four different countries: France, Switzerland, Germany, and the Netherlands. There are now no fewer than 779 extant copies, scattered among a wide range of European countries, Russia, and North America (see Table 1). France, Italy, Germany, and the United Kingdom boast the richest and most complete collections of all:¹⁷ they are indeed the only countries where all thirteen editions of the *Methodus* are represented. Switzerland, Poland, and the United States come shortly after, with eleven or twelve editions each. Italy, the United Kingdom, and

¹⁶ My evidence in this paper rests mainly on copies of English provenance, together with a smaller number of French, Italian, and German copies. A separate paper, which examines expurgated copies of Italian provenance to see how the *Methodus* was received by a very peculiar category of readers—its Roman censors—is currently in preparation as "Roman Censors of the Late Sixteenth Century: a 'Reading Community'?", with a view to publication in 2014.

¹⁷ This already seems to contradict Brown's statement that the *Methodus* had "only a restricted appeal in France during the seventeenth and eighteenth centuries. Furthermore, it did not penetrate intellectual circles of Spain, Italy, or England to any appreciable degree.... The *Methodus* was most widely read and criticized in the north of Europe and particularly in Germany": Brown, *The* Methodus, 168. Brown even goes so far as to say (p. 192) that "There is no impressive essay to be written on 'the fortunes of the *Methodus*'". I hope to supply in this chapter rich evidence to the contrary.

Poland warrant particular mention, as the *Methodus* was never printed there; and so those copies 'travelled' a long way to reach their owners, in ways and at times that might repay more thorough investigation.¹⁸ Copies obviously 'travelled' to their current locations in the United States as well, but in this particular case the circumstances of their displacement usually seem straightforward enough. Nearly all of these books were relatively recent accessions (seldom earlier than the second half of the nineteenth century), typically purchased through antiquarian booksellers. One notable exception (the Philadelphia copy) will be discussed later. The Russian National Library in Moscow, on the other hand, acquired some of its copies (from the 1572, 1595, and 1650 editions) in a quite peculiar way. These books used at one time to belong to the National Library in Berlin and were moved to Russia after 1945—a group of pretty unusual prisoners of war.

Continued displacement across national, religious, and linguistic boundaries seems to have been the common destiny of many a *Methodus*; ownership marks and signatures can now help us partially to reconstruct the odyssey of some of these copies. For instance, the 1576 *Methodus* now held by the Ambrosiana in Milan originally belonged to a German reader. It was then brought to France at some time during the eighteenth century, and only recently did it settle down in Italy. The 1576 copy now owned by the Vatican Library was first bought and bound in Augsburg in the very year of its publication. Another Roman copy, this time of the 1572 edition, was purchased by the University Library through an unknown antiquarian bookseller, sometime during the twentieth century, while the Vatican Library acquired one of its 1591 copies only in 1837.

North American copies, as I have already said, were typically bought on the antiquarian market in the nineteenth or twentieth centuries. One typical example is the 1572 copy now owned by the Houghton Library at Harvard. A manuscript annotation on the title page informs us that the book was purchased for \$3.15 on July 28, 1864, by the Harvard graduate John Harvey, the heir of a colonial family who had made a fortune in the steel industry. Harvey had been a bibliophile since his early years at Harvard, and, as time went by, he managed to gather an enormous collection of books (mostly on Roman antiquities, religion, and theology) which

¹⁸ This is a fascinating, but still little-explored aspect of book history. For a valuable contribution on the subject, see Robin Myers, Michael Harris and Giles Mandelbrote, eds., *Books on the Move. Tracking Copies through Collections and Book Trade* (New Castle, Delaware, London: Oak Knoll Press, 2007).

were eventually bequeathed to the Harvard College Library shortly after his death. Such was also the destiny of his 1572 *Methodus*, which entered the Harvard collections on 25 April 1888.¹⁹

In some cases the antiquarian background is even clearer. For instance, the New York Public Library now owns a copy of the 1566 edition that previously belonged to a member of the Rosenthals, a family of highly reputed German booksellers with particularly strong connections to the Italian publisher Leo Olschki.²⁰ The Rosenthal who got hold of this copy of the *Methodus* at the beginning of 1935 was probably Erwin Joseph;²¹ four years later he emigrated to the United States in order to escape the Nazi regime, thereby bringing his *Methodus* along with him to the opposite shore of the Atlantic Ocean.²² All available evidence seems to indicate that the copy had probably never left Germany before that time. Towards the middle of the eighteenth century it was notably owned by a "M. Pamaanus," a well-read German reader who left a long annotation on one of the rear flyleaves. I translate:

Julius Valerius translated into Latin the fabulous history of Alexander that has been attributed by some to Aesopus, by others to Callisthenes. Antoninus, Vincentius, Uspergensis, and others rivaled one another to derive their own fables from that history. C[aspar] Barthius gives the following judgment in *Adversaria*, 10: "All such things can be found in a not uneducated monk who edited a life of Alexander the Great, stuffed with incredible lies, dating from many centuries before. Once upon a time, this fable enjoyed great credibility and was used as a testimony even by prudent writers. So did in England, more than four centuries ago, Sylvester Giraldus, who did not hesitate to appeal to the authority of that pantryman. I do not know whether his excellent history has ever been published; I have it in manuscript, but I do not even value it enough to include it in the Library. This is the same author whom Franciscus Juretus calls Aesopus, saying that he was translated

¹⁹ Apart from a few pencil marks in the first pages—which might have been made by Harvey—the copy bears a lot of underlining and marginalia in Latin, carried out by an earlier hand, presumably in the seventeenth century.

²⁰ See Daniel J. Slive, "Interview with Bernard M. Rosenthal," in *RBM: A Journal of Rare Books, Manuscripts, and Cultural Heritage* 4 (2003): 45–64.

²¹ Manuscript annotation, fo. ii: "Rosenthal, 7 jan 1935".

²² Erwin Joseph emigrated to the United States in 1939 with his wife (Leo Olschki's daughter) and his son Bernard; after a few years spent in California, he settled in New York with his wife in 1946. Bernard would later become a well-known bookseller and collector in his own right, but in 1935, when the *Methodus* was acquired, he was only fifteen years old. This makes it highly unlikely that the "Rosenthal" of the manuscript annotation was he. Also, Erwin's ownership would explain why this copy is now held by the New York Public Library rather than by the Beinecke Library at Yale, along with the rest of Bernard Rosenthal's collection of annotated books.

by Julius Valerius, in his first [sic] letter to Symmachus, 54, first edition. I do not see personally that either the author or the translator were Romans or Greeks: they are indeed completely ignorant of the Greek language, and have no idea whatsoever of the Latin language. This work was printed in German, in Strassburg, in 1486. It is also quoted by H. [sic] Salmasius in his commentary on Solinus, p. 1025: 'Ancient writer who put together the deeds of Alexander in a fabulous manner.'" These are in the Prolegomena to the edition of Curtius by Henricus Snakenburg (Hartlichus Boius). Henricus Snakenburg is the author of the German translation.²³

More complicated and somewhat obscure are the vicissitudes of the 1566 copy now held by the Houghton Library at Harvard. "Purchased with the income of the bequest of Amy Lowell of Brookline", and so certainly later than Lowell's death in 1925, this copy bears marginalia from at least four different hands, two in French and two in Latin. The Latin annotations might have been made by the same person writing at different times: their content strongly indicates a single French-born reader well acquainted with the Swiss context—possibly a Huguenot expatriate living in the age of the civil wars of religion.²⁴ This particular reader appears knowledgeable and

²³ "Julius Valerius latinam fecit historiam fabulosam de Alexandro quae ab aliis Aesopo ab aliis Callistheni adscripta fuit. Unde fabulas suas certatim hauserant Antoninus, Vincentius, Uspergensis, alii. C[aspar] Barthius sic 10 Adversariorum iudicat: 'Talia multa in non inerudito monacho sunt qui vitam Alexandri Magni prodigiosis mendaciis farctam edidit ante aliquam multa saecula: quae fabula tantum olim fidei habuit et a prudentibus etiam scriptoribus sit testimonio citata, qualis sane ante plus quam IV saecula fuit in Anglia Sylvester Giraldus, qui non dubitavit eius cellionis auctoritate uti. An ea egregia historia edita umquam sit nescio, nos in charta scriptam habemus sed tanti vix aestimamus ut in Bibliotheca recipiamus. Est idem auctor quam Aesopum vocat et interpretatum a Julio Valerio, Franciscus Juretus ad Symmachum I. ep[istola] 54. Editione quidem priore. Ego vero neque de auctore, neque de interprete credo Romani Graecive hominis esse, maxima enim in eo Graeci sermonis ignorantia nec ulla Romani notitia est.' Typis excusa est germanice 1486, Argentorati. Citatur et H. Salmasio ad Solinum p. 1025: Vetus scriptor qui res Alex[andri] fabulose composuit. Haec in prolegomenis edit[ionis] Curtii Henr[ici] Snakenburg (Hartlichus Boius) auctor germ[anicae] Versionis, Henricus Snakenburg". In these last two lines, "Pamaan" reveals that he has drawn the whole passage from the Prolegomena to Curtius Rufus, following Hendrik Snakenburg's edition. Now, the Prolegomena or "supplements" to Curtius had in fact been written by the German scholar Johann Freinsheim (1608-1660) and published in Strassburg in 1640. Snakenburg, who gave the first complete edition of Curtius Rufus in 1724 (printed in Delft and Leiden), never failed to acknowledge his debt to Freinsheim and included several passages from the Prolegomena in his own work.

²⁴ This is suggested by one particular annotation: "Nostra aetate multi conjurati—sus [adversus?] Iniustiss[imum] regem nostrum"; in the same passage, the reader also mentions earlier examples of 'civil disobedience' drawn from French history. The annotation is on p. 324, corresponding to pp. 429–31 in the 1572 edition. Unless otherwise specified, the page number in these notes refers to the edition to which the copy under discussion belongs, with the corresponding page number in the 1572 edition added in parentheses.

self-reliant; he clearly enjoys and knows how to practise dynamic interaction with the text. He fills up the margins with criticism (rejecting, for instance, Bodin's interpretation of a passage by Ammianus Marcellinus), adds further details (about public charges in the Swiss town of Baden, or about the year in which the Council of Nicaea took place), suggests cross-references (quoting Commynes on Louis XI), and so forth.²⁵ The two readers writing in French, on the other hand, avoid any such form of active intervention and mainly limit themselves to copying in the margins French translations of some key passages. One of them seems at least as interested in Swiss history as the Latin-speaking reader was, although not equally well-informed, while the interests and competences of the other reader are strictly related to France and to French matters.²⁶ In Chapter VI, for instance, the latter translates into vernacular the list of French public charges provided by Bodin.²⁷ He then intervenes four more times in Chapter X—the famous bibliography of historians—highlighting entries of particular interest and contributing additions.²⁸ This kind of activity is far from exceptional. Expanding the corpus of references listed in Chapter X seems to have come naturally to many readers, probably encouraged by the very structure of the chapter and by the example set by Bodin himself, who had included six new titles in the augmented edition of 1572. Occasionally, readers of the Methodus had a deeper knowledge of historical literature than even Bodin possessed. For instance, whoever annotated the 1572 copy now held by Emmanuel College Library in Cambridge was able to clarify that the Fasciculus temporum omnes antiquorum chronicas complectens was not "incerti autoris," as Bodin erroneously believed, but that Werner Rolewinck should be credited with this huge compendium of early chroniclers first published in Köln in 1474. This familiarity of the

²⁵ P. 89 (ed. 1572: p. 113); p. 117 (ed. 1572: p. 150); p. 393 (ed. 1572: p. 522); p. 324 (ed. 1572: pp. 430–1).

For examples of mistakes made by the first French-speaking reader, see for instance p. 193 (ed. 1572: pp. 251–2) where he translates the Latin Tigurini into the French "ceux de Turin en suisse [sic]". Turin was not a Swiss but a Savoyard city; also, Tigurini were not its inhabitants, but those of Zurich. Yet the same reader seems able to learn from his own mistakes, because, when he stumbles across the word "Tigurinos" once again a few pages later, he correctly specifies in the margin: "Canton de Zurik."

²⁷ On p. 247 (ed. 1572: p. 324): "Le Grand mestre La Maison du Roy Les Mareschaux L'Ameral Le Grand Escuyer Le Chancellier Les Conseillers d'estat Les maistres des Req[uêtes]".

²⁸ On pages 454–5 (ed. 1572: pp. 601–2): "Allain Chartier Secr[etaire] de Charles VII"; "Memoires de Messires du Bellay Langey Martin & Guillaume"; "Monsieur le Pres [ident]. De Thou"; "Du Haillan,—[?] des Sieures d'Avila, d'Aubigné".

Cambridge reader with the *Fasciculus* will perhaps appear less surprising when it is remembered that Rolewinck's compilation included one of the most important sources for the early history of Britain: the chronicles written by Marianus Scotus in the eleventh century.

While the 1566 copy of the Houghton Library thus seems to have travelled through France and the French cantons of Switzerland long before landing on the shores of New England, the 1572 copy currently held by the Library of Congress betrays its Italian origins in at least two different ways. A first, clear indication that the book was still kept somewhere in Italy around the mid-eighteenth century comes from the following few lines, jotted down in Italian on one of its flyleaves by an anonymous owner, and referring to a work published in 1722 by the Abbé Hauteville, *La religion prouvée par les faits*. I translate:

Jean Bodin, a famous sixteenth-century writer who was born in Angers, studied in Toulouse and was received among the barristers in Paris. Henry III thought very highly of him; the Duke of Alençon entrusted him with several tasks. In Boccalini's *Ragguagli*, Bodin is sentenced to the fire as an Atheist for arguing that people should be allowed freedom of conscience. His works have caused quite a stir, because of the pernicious maxims they contain. Grotius and Hauteville label Bodin as an unbeliever, and the latter criticizes him harshly, saying that he did nothing but amass sophisms and polemical quibbles in order to undermine the Christian religion, and indeed the above-mentioned Hauteville aptly confuted him in his *The Christian Religion proved by facts*. Bodin died from the plague in Laon in 1596 at the age of 64 years, not having taken any precaution in the false and ridiculous persuasion that no one over 60 can be attacked by it.²⁹

But the presence of this long vernacular annotation denouncing Bodin as a fierce enemy of the Christian religion is not the only piece of evidence

²⁹ "Giovanni Bodin famoso scrittore del secolo decimo sesto nativo di Angers, compì i suoi studi in Tolosa, e fu ricevuto dagli Avocati in Parigi. Arrigo terzo lo ebbe in molta considerazione il duca di Aleçon [sic] gli conferì diversi impieghi. Nei ragguagli del Bocalini [sic], Bodino è condannato al fuoco, come un Ateo per aver sostenuto che devesi permettere la libertà di coscienza. Le di lui opere hanno fatto molto strepito, a motivo delle massime perniciose contenute in esse. Il Grozio e Hauteville danno al Bodino la tessera di miscredente, ed il secondo lo rimprovera aspramente, che altro non faceva che ammassare sofismi e sottigliezze polemiche per indebolire la religione cristiana, ed infatti il detto Hauteville l'ha bravamente confutato nella sua opera intitolata La Religione Cristiana provata co' fatti. Bodin morì di peste in Laon nel 1596 di 64 [sic] anni, non essendosi premunito di alcun rimedio nella falsa e ridicola persuasione, che dopo i 60 anni non si possa esserne attaccato". The reference in the text is to Traiano Boccalini, De' ragguagli di Parnaso (Venice: Farri, 1612), Centuria I, ragguaglio LXV; discussed by Albert Cremer, "Traiano Boccalini als Kritiker Bodins," in Quellen und Forschungen aus italienischen Archiven und Bibliothecken, vol. LV–LVI (Rome: Istituto Storico Tedesco, 1976), 229–50.

bearing witness to the Italian provenance of the Washington copy; the heavy censorship suffered by the book also points in the same direction. Expurgations, as far as I could see, were carried out only on copies circulating in Italy from the late sixteenth century onwards; the only censored copies that I was able to locate outside Italy (the above-mentioned Washington copy and the 1572 copy of the British Library) both seem never to have left Italy until recent times. The London copy of 1572 can actually be taken as an exemplary case: four ancient owners out of the five whose signatures can still be read on the flyleaves were undoubtedly Italian, and the fifth one, whose name is almost illegible, was probably Italian as well. The earliest owner was Zaccaria Caimo, a late sixteenth-century physician based in Milan, whose brother Pompeo, a physician in his own right, owned a vast collection of books that was later bequeathed to the University Library in Padua. Sometime after Caimo's death, the copy passed to Francesco Castelli, a printer who was active in Lodi (not far from Milan) in the first decades of the seventeenth century; then, in much more recent times, the book came into the hands of a "Giulio Fenoglio" whose identity seems hard to establish with certainty.³⁰ In any case, at some point before the end of the 1960s the book must have entered the antiquarian bookshop of Ada Peyrot in Turin, where we last catch sight of it before its acquisition by the British Library.

Whereas the sporadic marginal annotations displayed by this copy match Caimo's handwriting and can therefore be dated back to the late sixteenth or early seventeenth century, it is harder to tell whether the expurgation of the book was carried out at the time of Caimo's or rather of Castelli's ownership. The only piece of reliable information is a *terminus post quem*: in the year 1607 Giovanni Maria Guanzelli published in Rome the first volume of his *Index expurgatorium*, which also included Bodin's *Methodus*. Whoever carried out the expurgation of this particular copy closely followed the instructions given by that *Index*, and so it seems certain that the book was not expurgated before 1607.

As we have seen, North American copies usually left Europe in relatively recent times. Yet the 1572 copy which is now held by the Library Company of Philadelphia probably followed a different route, reaching

³⁰ Was this a young research assistant of Luigi Einaudi's at the Bocconi University between 1910 and 1912? Was it Julius Evola (a controversial figure on the Italian cultural scene during and after the Fascist Era), who signed his translation of Weininger's *Sex and Character* under that pseudonym?

the New World along with its owner, James Logan (1674–1751).³¹ An Irish Quaker who spent part of his youth in Bristol and then set off to the colonies shortly before the turn of the century, Logan settled in Philadelphia, becoming William Penn's personal secretary. In the following years he held a number of high public charges, including the governorship of Pennsylvania from 1736 to 1738, and became a wealthy and cultivated man. Not only did he gather a collection of more than three thousand books; he also contributed to the American Philosophical Society Quarterly with self-penned articles on natural history, and it was he who introduced the young botanist John Bartram (whom he used to tutor in Latin) to Carl Linnaeus. The 1572 Loganian Methodus is annotated and underlined throughout. These annotations, however, were made by two different hands, so far unidentified with certainty, but possibly Logan's and that of a previous owner.³² In any case, the two readers who made these annotations were both of the omnivorous kind, showing interest in such diverse subjects as constitutional law, physiology, genealogy, and so forth. Yet some topics do seem to have attracted their attention more than others. For instance, almost every passage dealing with ethical, religious, or theological issues was underlined and sometimes annotated. A few attacks against the Catholic church can be found, such as the "Papa Persarum monarchis, Turcarum imperatoribus, Arabum Caliphis superbior" written beside the passage where Bodin described customs and rituals of the papal court.³³ It is interesting to observe that the same reader who penned this comment was also familiar with the *Chronicon Carionis*, the famous text of universal chronology much revised by Philip Melanchthon.³⁴

³¹ See bookplate on the back-cover. The entire Loganian Library was incorporated into the Library Company in 1792.

³² Some of the annotations were made by an "Ernest," whose family name I was not able to read. According to Edwin Wolf II, Logan also owned a copy of the 1610 edition: see *The Library of James Logan of Philadelphia*, 1674–1751 (Philadelphia: The Library Company of Philadelphia, 1974), 60 (n° 275). The 1572 copy is not mentioned in Wolf's catalogue: Wolf probably believed that the book originally belonged to William Logan, James's brother, a wealthy physician in Bristol and a book collector in his own right, whose collection was incorporated into the newly born Loganian Library in 1776. However, there is some evidence suggesting that the book may have been purchased by a late James Logan through his commercial agents in London.

³³ P. 406.

³⁴ A noteworthy citation from the *Chronicon* occurs on p. 412 to explain the meaning and etymology of the word *Calipha*: "Caliphae Arabum Pontifices. Arabes et Sarace idem significant, fuerunt enim a Sara dicti Saracem ut tradit Carionus".

Another matter of strong interest for both readers was national history. Scarcely a single mention of Britain or England—designations that are duly distinguished in the *Methodus*—has escaped underlining.³⁵ In fact, highlighting any passage dealing with one's own country or people seems to have been standard practice among all European readers, which is easily understandable in an age of state-building and awakening national consciousness. What is striking here is that the reader explicitly referred to the British people in the first person.³⁶ Elsewhere he made an interesting reference to the disorders caused by William's conquest of England in 1066: "England had never been subject to dissension and disagreement before that time (*Anglia nunquam subacta in discordia et dissensione dilacerata prius*)".³⁷ Would it be reasonable to suspect that behind this 'innocent' historical remark lay hidden the bitter meditation of someone who had witnessed the English civil wars of the mid-seventeenth century?

The same reader who commented on William's conquest also readily contributed cross-references and additional items of information whenever the case seemed to require it.³⁸ The famous physician Jean François Fernel was recalled for his views on castration.³⁹ More details were provided about the captivity of Henry (recte Erik XIV), King of Sweden. 40 A few verses by Horace were skilfully adapted into a pithy sentence: "Oderunt peccare boni virtutis amore. Oderunt peccare mali formidine poenae (Good people hate to sin for love of virtue. Bad people hate to sin for fear of punishment)";41 while Bodin's speculations about the nature of pleasure prompted a mention of Epicurus.⁴² Finally, a single passage at the heart of Chapter VI warrants special mention. Here, Bodin commented on the benefits of the Salic Law (excluding females from the inheritance of a throne or fief) and the serious shortcomings of gynaikokrateia (the rule of women).⁴³ In his marginal note the reader began by repeating Bodin's own doubt—whether the Salic Law had ever been submitted to legal scrutiny ("Lex Salica prohibens foeminas regnare lata necne sub iudice")—and

³⁵ For some examples see pp. 130, 144, 323, 468, 534, etc.

³⁶ P. 405: "Primogeniti Gallorum ut apud nos praecipuam haereditatis partem habent".

³⁷ P. 416.

³⁸ Se for instance p. 434, where the reader reinforces Bodin's "antiquitatum magna reverentia" by his own: "Ego ea antiquissima esse puto quae sunt optima".

³⁹ P. 147.

⁴⁰ P. 416.

⁴¹ P. 459.

⁴² P. 494.

⁴³ P. 397.

proceeded to summarise the author's position: "Foeminarum regnum secundum bodinum [sic] monstruosum (According to Bodin, the rule of women is monstrous)". The reader's annotations, however, do not reveal his own point of view on the subject: we may suspect that the topic, while certainly attracting his attention, was not among his priorities, and he may not even have had a distinct opinion on the subject. This relative 'indifference' towards one of the issues that had sharply divided opinion in England in relatively recent times is of some interest. The reader in question was far from alone in dismissing the topic rather quickly: other copies of English provenance show only some underlining at this juncture, and many of this reader's fellow-countrymen ignored the passage completely.⁴⁴ This evidence has a bearing upon the hypothesis recently proposed by Natalie Mears, who has argued that the key issue at stake in the debate about queenship was not so much the relationship between gender and politics, as that between gender and politics on the one hand, and religion on the other.⁴⁵ According to this view, when English political polemicists argued against the legitimacy of 'female rule' they were in fact driven by confessional rather than constitutional concerns, aiming to delegitimate Catholicism through (and along with) Mary, or Protestantism through (and along with) Elizabeth. It follows that the entire 'queenship debate' should be evaluated within a strict chronological framework: once the reign of Elizabeth was over and the gender–politics connection broken, the question of female rule would have lost much of its appeal to English polemicists. Evidence from English annotated copies of the *Methodus* would seem to support such a view.

This, of course, did not prevent a few late readers, such as the non-conformist divine Daniel Williams (1643–1716) and the Oxonian scholar Nathaniel Crynes (1686–1745), from being intrigued by Bodin's discussion of *gynaikokrateia*. ⁴⁶ It seems, however, that Williams and Crynes ought

⁴⁴ The debate about the rule of women had become especially acrimonious following the publication of John Knox's *The First Blast of the Trumpet against the Monstruous Regiment of Women* in 1558, in the reign of Mary; the issue was bound to remain live throughout the reign of Elizabeth as well.

⁴⁵ Natalie Mears, *Queenship and Political Discourse in the Elizabethan Realms* (Cambridge: Cambridge University Press, 2005), cap. 7.

⁴⁶ Williams's copy of a 1572 edition is now held in London, in a library named after him that still holds his entire collection—the Dr Williams's Library. On p. 397, Williams wrote a few annotations in the margin: "Lex Salica"; "feminae repulsae ab imperio"; "Britanni." Crynes's copy of a 1576 edition is now held at the St John's College Library in Oxford, to which it was bequeathed immediately after Crynes's death. On pp. 257–258 (ed. 1572: p. 397) Crynes underlined the word "gynaikokrateia" as well as the line "divinae leges, quae

not to be accounted representative of 'ordinary English readers' of the *Methodus*, for they paid attention not only to the passage on queenship, but to the remainder of Chapter VI as well. This chapter—the 'political' chapter of the *Methodus*, and the one that most obviously presaged the forthcoming République—remained largely untouched in almost every other copy of English provenance.⁴⁷ The contrast is striking with the first four chapters of the work, which generally show signs of having received close attention. In these opening chapters, Bodin dealt mainly with methodological problems concerning historical knowledge. He defined history, explaining how it could be divided into specific branches (human, natural, and divine) and what distinguished it from fables; he taught how to apply commonplace techniques to the reading of histories, how to make an effective plan of study, how to choose one's sources and assess the reliability of an author, and so forth. Now, it would appear that English readers took the title of the work seriously and saw the *Methodus* primarily (if not exclusively) as an introduction to the study of history. So, when the connection with historical learning became less apparent, or the discussion was raised to a level that went beyond the limits of a mere 'introduction' (as was indeed the case, beginning with Chapter V), the ordinary reader would simply stop reading or just thumb through the pages without leaving any particular trace of his passage.⁴⁸ This hypothesis fits well with other evidence suggesting that, in seventeenth-century England, the Methodus was widely used as a textbook (as Dean has indicated), and that it mostly circulated among college students.⁴⁹

foeminas imperio virorum diserte subiecerunt, sed etiam ipsius naturae"; he also added a couple of annotations in the margin, "salica lex" and "Reginae."

⁴⁷ The copy held by the John Rylands Library in Manchester represents a notable exception.

^{48°} Not everyone was equally convinced that the title of the *Methodus* was well chosen. For instance, Joseph Scaliger found that Bodin "librum de Methodo Legendae Historiae inscripsit, in quo nihil minus quam ea de re tractat ut titulo suo nullo modo respondeat oratio" (quoted by Pierre Bayle, *Dictionnaire historique et critique* (1740), s.v. "Bodin", note N).

⁴⁹ See Dean, "Bodin's *Methodus*", 164–5, on the didactic use of the work made by Degory Wheare at Oxford. Many British noblemen also owned copies of the *Methodus*, but these are usually clean (apart from their ownership marks) and show no sign of use whatsoever. A few examples are John Lord Lumley (whose 1566 copy is now at the British Library); Ferdinando Fairfax (whose 1627 copy was bequeathed in 1644 to the York Minster Library); John Robartes, Earl of Radnor (whose 1583 copy is still at Lanhydrock); and Philip Yorke, Baron of Hardwicke (whose 1650 copy, acquired after 1733, can still be found at Wimpole Hall). The Bankes family's 1566 copy, still held at Kingston Lacy, does have some underlining and marginalia pointing to a use of the *Methodus* as a reference work. Seth Ward (1617–1689), bishop of Salisbury and author of several works, also owned a 1583 copy of the

Ownership signatures already give us some hint of this: we can see for instance that a Timothy Halton, a student at Queens' College, Cambridge, bought his copy of a 1650 edition only one year after its publication, for twopence. The *Methodus*, moreover, was often bound together with other works, no doubt because they were considered closely akin. These works were mainly introductions to the study of history: attaching especial importance to methodological aspects, commonplace techniques, and so forth, they were written in an accessible style and thus were suitable for didactic purposes. For instance, the 1610 copy of the *Methodus* now held in the Eton College Library was bound with a contemporary edition of Keckermann's classic *De natura et proprietatibus historiae*. Another, 1610 copy (now at the British Library) was bound with Fox-Morcillo's De historia institutione dialogus (in the 1557 Antwerp edition printed by Plantin) and Thomas Freigius's *Historiae synopsis* (1580), a Ramist-inspired textbook in which the *Methodus*, not surprisingly, was mentioned twice.⁵⁰ The Ramist connection is particularly noteworthy, not merely because Bodin himself had been influenced by Peter Ramus, but also because the margins of many English copies of the *Methodus* are filled with diagrams sketched in Ramist fashion. This would suggest that Bodin's book on method was taught in schools closely following Ramus's pedagogical guidelines. 51 Typical examples are the 1572 copy now held by Emmanuel College Library in Cambridge, and the 1579 copy of the Center of Renaissance and Reformation Studies in Toronto. Ramist diagrams are certainly not a uniquely English feature: they can be seen, for instance, in the 1576 copy held by the

book, which is now in the Salisbury Cathedral Library. The 1572 copy now in the Canterbury Cathedral Library was bequeathed in 1714 by Stephen Hunt, "Batchelor of Phisick".

 $^{^{50}}$ Fox-Morcillo's work was later included in the $Artis\ historicae\ penus$ of 1579, along with the Methodus itself.

⁵¹ Ramus's influence on Bodin has been much discussed by modern critics. See Marie-Dominique Couzinet's chapter in this volume (above, pp. 00–00). See also Kenneth D. Mac Rae, "Ramist Tendencies in the Thought of Jean Bodin," *Journal of the History of Ideas* 16 (1955): 306–323; Cesare Vasoli, "Jean Bodin, il problema cinquecentesco della methodus e la sua applicazione alla conoscenza storica," *Filosofia* 21 (1970): 137–172; Vincenzo Piano Mortari, "Aspetti della metodologia giuridica di Jean Bodin," in *Miscellanea in onore di Ruggero Moscati*, ed. Elio D'Auria (Naples: Edizioni Scientifiche Italiane, 1985), 253–266; Marie-Dominique Couzinet, *Histoire et méthode à la Renaissance: une lecture de la* Methodus *de Jean Bodin* (Paris: Vrin, 1996). The Bodleian Library holds a bound volume (Bywater T.4.25) of Ramist texts, published between 1550 and 1551, which appears to have belonged to Bodin; the book is full of marginalia that cry out for closer examination (see Kenneth D. Mac Rae, "A Postscript on Bodin's Connections with Ramism," *Journal of the History of Ideas* 24 (1963): 569–71).

University Library in Rome, the first owner of which was German.⁵² Even so, diagrams of this kind do appear especially often in English copies.

Among the college readers of the *Methodus* were not just students and simple beginners. William Branthwait, master of Caius College in Cambridge, used to own a 1576 copy that was bequeathed to the Caius College Library in 1619, one year after his death. On the evidence of that book, Branthwait's focus of attention in reading the Methodus was firmly on Chapter IV, apart from a few lines in Chapter VII (the famous passage on Daniel's prophecy of the four monarchies) that also interested him. Again, the aforementioned Nathaniel Crynes left traces of a particularly careful reading throughout the first four chapters, whereas the remainder of his copy bears only sporadic underlining and few annotations. Crynes, an Esquire Bedel of Arts, was not only captivated by Bodin's remark about the universal appeal of history;⁵³ he also thought Bodin's three-fold partition of history "elegant"54—a word he used on two other occasions, in commenting on Bodin's treatment of material traceable to *Deuteronomy* vi.7 ("Narrabis haec filiis tuis"), and again on his discussion of endogamy.⁵⁵ He approved of Bodin's views on many particular issues—agreeing, for instance, that numerology ought not to be taken so seriously as to deny free will: "Ita quod—[?] plerique eas res quibusque deus tanquam instrumentis conditur, tamquam effectrices causas ponunt (So [?] most people take those things, which are used by God as if they were his secret instruments, to be efficient causes)". 56 On the other hand, he reproached Bodin for being excessively hard on writers such as Pliny, Aristotle, Hippocrates, Galen, Diodorus, Herodotus, Volterranus, and Sabellicus. According to Bodin, indeed, all of these authors deserved little trust, since many of the things that they had written were completely false and totally reversed

⁵² See the annotation on the back-cover: "Sum ex libris Andreae Schrecken Rudolstapalensis 1584". This might help to confirm what Walter J. Ong argued about the contribution of the *Methodus* to the rise of Ramism in Germany; see *Ramus. Method and the Decay of Dialogue* (Cambridge MA: Harvard University Press, 1958), 297. For a general overview of Ramism in the Holy Roman Empire see Howard Hotson, *Commonplace Learning: Ramism and its German Ramifications*, 1543–1630 (Oxford: Oxford University Press, 2007). The author makes specific reference to the *Methodus* on p. 208.

Marginal annotation on p. 7 (ed. 1572, p. 8): "nulli invisa historia".

⁵⁴ P. 10 (ed. 1572, p. 11).

⁵⁵ P. 4 (ed. 1572, p. 5): "eleganter de evangelio"; p. 214 (ed. 1572, p. 329): "elegans ratio nuptiarum". The reference to *Deuteronomy* vi. 7, which is not explicit in Bodin, is identified and discussed by Pierre Lardet, "Peuples et langues de Calvin à Bodin: Moïse historien," in *Théorie et pratique de l'exégèse*, ed. Irena Backus and Francis Higman (Geneva: Droz, 1990): 98–9.

⁵⁶ P. 224 (ed. 1572, p. 344).

the truth ("haec plane falsa aut penitus sunt inversa"). This attracted the Oxonian's startled comment: "reprehensio magnorum virorum!"⁵⁷ Crynes was far from being the only one shocked by these words: Bodin's severity towards these and other masters of Western thought had displeased more than one reader. In his Defence of Seneca and Plutarch, Bodin's fellow countryman Michel de Montaigne had already tried to vindicate his beloved Plutarch from Bodin's less than approbatory words, while Thomas Nashe, in Have with You to Saffron Walden (his well-known 1596 pamphlet against Gabriel Harvey, who was, incidentally, a great admirer of the Frenchman), made it clear that he found Bodin's portrait of Livy as a "miracle monger" quite disproportionate.⁵⁸

Although his main interest was in the first four chapters, Crynes did not completely neglect the remainder of the work. He was particularly attracted to that section of Chapter V where Bodin discussed possible planetary influences on the human body, and he cleverly applied to it the topical heading "microcosmographia"—a pun based on the two words microcosmus and cosmographia, but also probably an allusion to the title of Crooke's famous work on human anatomy.⁵⁹ Another significant exception to the 'reception pattern' usually recognisable among English readers is represented by Robert Burton, whose 1591 copy of the *Methodus* is now held in Christ Church College Library in Oxford. Burton did not entirely depart from the national pattern, in that he paid little attention to Chapter VI, apart from three short passages: on the allegedly Trojan origins of the British people, on the 'institutio principis,' and on the story of Süleyman ordering the killing of his own son, Mustapha. He also highlighted a couple of elegant sentences with the help of a little flower drawn in the margin (flos, in Latin, signifying a passage selected for its especial beauty or interest). Further, Burton dwelt at length on Chapter IV—again in line with the English trend—and appeared particularly intrigued by Bodin's instructions on how to distinguish truth from lies in ancient and modern histories. But what really set him apart from his fellow countrymen was his exceptionally thorough analysis of Chapter V. It is no secret that Burton largely drew upon Bodinian material for his own *Anatomy of*

⁵⁷ P. 118 (ed. 1572, p. 179).

⁵⁸ Michel de Montaigne, *Les Essais*, ed. Pierre Villey and Verdun L. Saulnier (Paris: Presses Universitaires de France, 1965), II.xxxii: 722 sq. For Nashe, see Dean, "Bodin's "*Methodus*," 163.

 $^{^{59}}$ Helkiah Crooke, *Microcosmographia: a Description of the Body of Man* (London: W. Iaggard, 1615).

Melancholy; more than once, indeed, he openly acknowledged his debt to the *Methodus*, the *Démonomanie* and the *Universae Naturae Theatrum*.⁶⁰ Still, his annotated copy of the *Methodus* offers us a unique chance to take a closer look at his reactions to Bodin's treatment of issues that were crucial to the *Anatomy*, such as the influence of climate on human beings, the distinction between fury, madness and melancholy, their specific physiological causes, and so forth.

As I have tried to show, a heavy focus on the first four chapters and a relative lack of interest in those that followed (especially Chapter VI) both appear to have been recurrent characteristics of the early reception of the Methodus in England. By comparison, continental readers usually behaved quite differently. They completely neglected the opening chapters of the Methodus and showed very little interest, if any at all, in the three-fold partition of history, the application of commonplace techniques to historical learning, the choice of historians, the distinction between history and fable, and so forth. It was the following chapters (especially chapters V and VI) that attracted their close attention. All of the evidence available to me so far suggests that continental readers did not consider the *Methodus* chiefly as an 'ars historica,' as English readers did. What the Methodus meant to them seems more difficult to judge. Of course, the continental audience ought not to be treated as a monolith: every reader made distinctive uses of the work. The very absence of clear patterns may in fact indicate that the study of the Methodus was, on the continent, mainly a matter of individual, even idiosyncratic readers—in contrast to England, where the predominantly academic use of the work involved standard reading guidelines and thus largely uniform patterns of reception. Ownership marks can also testify to this: for instance, they show that the *Methodus* mainly circulated in Italy among educated, selfemployed men (physicians, such as the above-mentioned Caimo; printers, such as the above-mentioned Castelli or Giovanni Battista Bidelli, whose son Giovanni Maria, a jurist, inherited his father's copy and annotated it in his turn;⁶¹ etc.). It could also be found in the hands of monks or members

⁶⁰ Robert Burton, *The Anatomy of Melancholy* (London: Longman, Rees and co., 1832). The first edition of the work was published in London in 1621. For explicit references to Bodin see for instance Partition 1, Section 2, Member 1, Subsection 2 ("A Digression of the Nature of Spirits, Bad Angels, or Devils, and how they Cause Melancholy"); Partition 2, Section 2, Member 6, Subsection 3 ("Music a Remedy"); Partition 3, Section 2, Member 1, Subsection 2 ("Heroical Love causeth Melancholy. His Pedigree, Power, and Extent").

⁶¹ Bidelli Sr. read the book (a 1583 edition) some time after August 1609 (manuscript annotation on the title page: "die Augusti 1509 [sic] Licentia a Reverendo Inquisitore

of the clergy with an interest in sacred history, universal chronology, prophecy, and similar topics, all discussed at length in chapters VII and VIII of the *Methodus*. Cases of people approaching the work to gain a deeper knowledge of Bodin's thought for polemical purposes were not rare either, as the famous example of the Italian Jesuit Antonio Possevino illustrates. Most extant copies of Italian provenance still have on their title pages manuscript annotations certifying that their owners had received special permission from the Inquisitor to read a prohibited work, and that the book had been expurgated accordingly.

In Germany, the *Methodus* was included in many princely libraries. This is perhaps less surprising when it is remembered that Bodin's rebuttal of the Protestant interpretation of Daniel's prophecy represented a serious intellectual challenge to the self-fashioning of the Holy Roman Empire as the ultimate, sacrally legitimated universal empire.⁶³ Augustus of Saxony, who also had a copy of Bodin's Universae Naturae Theatrum, was the original owner of the 1595 copy of the *Methodus* now held by the Cathedral Library in Canterbury.⁶⁴ The book is bound with two violently anti-Catholic works: the Examen concilii tridentini by Innocent Gentillet (published in Geneva in 1586) and the anonymous Brutum fulmen Papae Sixti V. adversus Henricum Serenissimum Regem Navarrae et illustrissimum Henricum Borbonium, Principem Condaeum (probably penned by François Hotman, and also published in Geneva in the same year). Similarly, three other copies of the book—the 1576 copy of the Ambrosiana in Milan, the Vatican copy of 1576, and the 1583 copy in the British Library—were once owned by German Protestant princes. The London copy, which is bound with Sleidan's *De quatuor summis imperiis libri tres* (1587), used to belong to Christoph, Duke of Württenberg, and it is possible that it later came

habita quam mihi procuravit p[ater] Alex[ander] Gonnellus congregat[ionis] Iesu"); his son did the same after 1640. The copy was eventually bequeathed to the Jesuit Collegium of Brera, Milan, and then to the Braidense Library, where it is still held.

⁶² Towards the end of the 1580s, Antonio Possevino was charged with reviewing all of Bodin's works, including the *Methodus*, from a Catholic and anti-Machiavellian standpoint. The result of this can be found in his *Iudicium, de Nuae militis Galli, Ioannis Bodini, Philippi Mornaei, & Nicolai Machiauelli quibusdam scriptis* (Rome: Ex Typographia Vaticana, 1592). See Crahay, "Jean Bodin devant la censure" (above, note 1). More information on Possevino and his role in the expurgation of the *Methodus* will be available in my forthcoming article (above, note 16).

⁶³ See Claude-Gilbert Dubois, La conception de l'histoire en France au XVIe siècle (1560–1610) (Paris: Nizet, 1977), 485–495; Arno Seifert, Der Rückzug der biblischen Prophetie von der neueren Geschichte (Köln: Böhlau, 1990), 65–69; Mario Miegge, Il sogno del re di Babilonia. Profezia e storia da Thomas Müntzer a Isaac Newton (Milan: Feltrinelli, 1995), 91–100.

⁶⁴ On Augustus's copy of the *Theatrum* see Blair, *Theater of nature*, 183.

into the hands of the German jurist Christoph Besold (1577–1638), along with several other books from the Duke's library.

Further evidence about who used to read the Methodus on the continent, and for what reasons, can be gathered from marginalia. From this perspective, the Italian reception of the work appears much more 'politically focused' than that of other countries. What most attracted the attention of many Italian readers was, indeed, that Chapter VI in which Bodin presented at length his views on the "conversiones Rerumpublicarum," rejected the theory of the mixed state, and argued in defence of limited monarchy as the best kind of constitution. Bodin's accurate description of the political constitution of ancient Rome was also carefully studied and thickly glossed by several readers. Does such a strong focus on political matters mean that Bodin's Italian readers predominantly thought of him as a master of political theory, and that they opened the *Methodus* with this particular view of him in mind? And if so, does this indicate that the reception of the *Methodus* in the peninsula was a relatively late one, following on from the success of the République and Bodin's growing reputation as a political writer? That Bodin's name became widely known in Italy only after the publication of the *République* seems to be confirmed, at least in part, by the very uneven number of extant copies of different editions of the Methodus that can be found in Italian libraries. Whereas the three editions released before the République (Paris 1566, Paris 1572, Basel 1576) are poorly represented (totalling altogether fifteen copies), the figure rises to twenty-five copies for the Basel edition of 1579 alone—the first one to be printed after the publication of the *République* in 1576 (see Table 1). True, the Basel edition of 1579 included not only Bodin's Methodus, but several other 'artes historicae' too, and it may have been these that commanded readers' attention. But this seems unlikely: for the fact is that in the vast majority of cases Bodin's Methodus was the only work within the compilation to be underlined and annotated.

Further evidence, of course, would be required to confirm this hypothesis, as well as others suggested in this paper. The research reviewed here is on-going, and its potential scope extremely wide. Results hitherto achieved and reported here are no more than tentative and provisional. But it seems reasonable to claim that enough has emerged to warrant at least this conclusion: that studying Bodinian texts on the basis of annotated copies of his works, however Sisyphean the task, can yield fresh and unique insights into the communication and reception of ideas and so into the very structures of European intellectual life.

Appendix 1

Table 1. Geographical distribution of the Methodus.

					0									
Current location	1566	1572	1576	1579	1583	1591	1595	1598	1599	1607	1610	1627	1650	TOT.
Austria	2	21	1	2	2	21	65	1	1	1	1	1	1	[91]
Belgium	I	4	4	7.0	1	_) I	I	1	I	7	I	7.0	$\begin{bmatrix} 29 \end{bmatrix}$
Canada	1	. 1	. 1	т (1	.	ı	ı	1	ı	ı	I	1	[9]
Czech	ı	I	7	1	1	I	7	ı	7	7	ı	П	ı	[11]
Republic														,
Denmark	1	1	1	I	1	1	ı	1	4	1	1	1	1	[12]
Finland	I	1	ı	I	I	I	ı	ı	1	ı	ı	1	I	[3]
France	15	24	11	16	16	4	ro	3	rΩ	3	7	3	10	[122]
Germany	10	12	14	18 +1	23 + 1	23	19	9	13	13	6	12	24 + 2	[196]
•				(B)	(A)								(A, B)	(+ +)
Holland	1	1	1	7	Ì	1	1	I	1	I	3	I	7	[13]
Hungary	I	Ι	1	2	2	1	I	ı	7	1	ı	Ι	1	[10]
Ireland	ı	1	ı	1	1	ı	ı	ı	ı	ı	1	I	1	75
Italy	3	9	9	25	6	6	4	2	∞	9	ro	4	11	[86]
Luxembourg	I	ı	ı	I	ı	I	ı	ı	1	ı	ı	I	I	1
Malta	ı	I	ı	I	ı	ı	ı	ı	ı	ı	ı	1	ı	
Norway	I	I	ı	I	1	1	ı	ı	ı	I	I	I	I	[2]
Poland	I	1	9	9	3	4	1	2	1	9	ı	7	6	[46]
Portugal	ı	I	ı	I	ı	ı	ı	ı	ı	ı	ı	I	1	
Romania	I	I	I	I	Ι	1	I	I	I	I	I	1	I	[2]
Russia	I	1 (C)	1	1	2	2	1 (C)	ı	1	ı	ı	1	3 + 1 (C)	4

Table 1 (cont.)

Current location	1566	1572	1576	1579	66 1572 1576 1579 1583 1591 1595 1598 1599 1607 1610 1627 1650 TOT.	1591	1595	1598	1599	1607	1610	1627	1650	TOT.
Slovenia	1	ı	ı	I	ı	ı	ı	ı	I	ı	ı	ı	ı	[1]
Spain	1	3	7	1	ı	ı	ı	ı	ı	1	1	7	1	[11]
Sweden	I	1	1	1	I	7	1	ı	1	1	I	3	I	п
Switzerland	4	1	2	3	2	1	7	Ι	3	7	3	1	7	[26]
UK	10	6	12	11	10	9	∞	1	rc	3	4	3	10	[92]
SO	6	10	5	1	4	4	2	1	1	2	က	I	5	[47]
On sale—	Ι	Ι	1	Ι	1	Ι	Ι	Ι	1	Ι	Ι	Ι	Ι	3
antiquarian			(Berlin)		(Utrecht)				(New					
booksellers									York)					
				TO	TOTAL: 779 extant copies (+ 4 reportedly lost)	xtant co	ppies (+ 2	t reporte	dly lost)					

[A] Lost during or after World War II (*Kriegsverlust*)
[B] Lost (not specified)
[C] Incorporated after World War II (formerly in Berlin)
[Table last updated July 2011]

Appendix 2

Annotated copies of the Methodus mentioned in this chapter, with shelfmarks

New York Public Library [*KB 1566 Bodin] 1566 1566 Houghton Library, Harvard University [*FC5 B6324 566m] 1566 British Library [580.g.2.] Kingston Lacy [O.6.2.] 1566 Biblioteca Universitaria Giorgio Del Vecchio, Rome [ST 6 44 L 20] 1572 Houghton Library, Harvard University [*FC5 B6324 566mb] 1572 Emmanuel College Library, Cambridge [321.4.42] 1572 1572 Library of Congress [Law Library, 92-115833] 1572 British Library [1568/2737] 1572 Library Company, Philadelphia [Six Bodi Log 2602.O] Dr Williams's Library, London [1095.T.6] 1572 Canterbury Cathedral Library [W/K-3-59] 1572 St John's College Library, Oxford [HB4/2.d.1.14] 1576 John Rylands Library, Manchester [/R70644] 1576 Biblioteca Ambrosiana, Milan [L.P. 2184] 1576 Biblioteca Apostolica Vaticana [Stamp. Pal. V 1274 vol. I] 1576 Biblioteca Universitaria Giorgio del Vecchio, Rome [ST 6 44 L 21] 1576 Gonville and Caius College Library, Cambridge [F.19.4] 1576 Center for Renaissance and Reformation Studies, Toronto [D16.A77 1579 v.1] 1579 Biblioteca Civica Angelo Mai, Bergamo [CINQ.1.477] 1579 British Library [C.129.f.2.(1.)] 1583 Salisbury Cathedral Library [1583 N.6.17] 1583 1583 Lanhydrock [inventory number 3008381] 1583 Biblioteca Nazionale Braidense, Milan [AA.VII.8] 1591 Christ Church College Library, Oxford [f.10.20] Biblioteca Apostolica Vaticana [Stamp. Barb. Q I 2] 1591 Canterbury Cathedral Library [W2/J-9-4(3)] 1595 Eton College Library, Windsor [Ge.5.2(01)] 1610 1627 York Minster Library [IV.Q.12]

1650

1650

Wimpole Hall [F.f.1.1]

Queens' College Library, Cambridge [II.a.268]

CHAPTER NINE

THE WORKS OF BODIN UNDER THE LENS OF ROMAN THEOLOGIANS AND INQUISITORS

Michaela Valente

Thanks to developments and progress in printing, the circulation of books enjoyed a particularly lively period in sixteenth-century Italy where the printers' market had immediately acquired a role of first importance. In spite of the gradual consolidation of the Counter-Reformation and the issuing of the first Index of prohibited books in 1549, Venetian printers still managed to resist and maintain a strong position within the European publishing market, in the face of competition from new centres such as Basel. 2

Confronted by the spread of so many works dealing with topics that were not only theological, the Church of Rome found it necessary to hinder

¹ See Diego Quaglioni and Vittor Ivo-Comparato, "Italy", in *European Political Thought* 1450–1700: Religion, Law and Philosophy, ed. Howell A. Lloyd, Glenn Burgess and Simon Hodson (New Haven CT: Yale University Press, 2007), 55–101. See Ludovica Braida, *Stampa e cultura in Europa tra XV e XVI secolo* (Roma-Bari: Laterza, 2000).

² William J. Bouwsma, Venice and the Defense of Republican Liberty: Renaissance Values in the Age of the Counter Reformation (Berkeley and Los Angeles: University of California Press, 1968); Paul F. Grendler, The Roman Inquisition and the Venetian Press, 1540-1605 (Princeton: Princeton University Press, 1977); Gigliola Fragnito, La Bibbia al rogo. La censura ecclesiastica e i volgarizzamenti della Scrittura (1471–1605) (Bologna: il Mulino, 1997); Fragnito, "Diplomazia pontificia e censura ecclesiastica durante il regno di Enrico IV", Rinascimento, 42 (2003): 143–167; Fragnito, Proibito capire: La Chiesa e il volgare nella prima età moderna (Bologna: il Mulino, 2005); Church, Censorship and Culture in Early Modern Italy, ed. G. Fragnito (Cambridge: Cambridge University Press, 2001); Vittorio Frajese, Nascita dell'Indice. La censura ecclesiastica dal Rinascimento alla Controriforma (Brescia: Morcelliana, 2006); Elisa Rebellato, La fabbrica dei divieti: Gli indici dei libri proibiti da Clemente VIII a Benedetto XIV (Milano: Bonnard, 2008). See Christopher F. Black, The Italian Inquisition (New Haven CT.: Yale University Press, 2009); also Diarmaid MacCulloch, in London Review of Books, 13 May 2010: 23–24; Vincenzo, Lavenia, "Inquisitori: visti da lontano, visti da vicino", Storica, 15 (2009): 459-70. See John Tedeschi, The Prosecution of Heresy: Collected Studies on the Inquisition in Early Modern Italy (Binghamton: Medieval & Renaissance Texts & Studies, 1991); Adriano Prosperi, Tribunali della coscienza: Inquisitori, confessori, missionari (Torino: Einaudi, 1996); Giovanni, Romeo, L'Inquisizione nell'Italia moderna (Roma-Bari: Laterza, 2002); Massimo Firpo, Riforma protestante ed eresie nell'Italia del Cinquecento: un profilo storico (Roma-Bari: Laterza, 1993); Federico Barbierato, "Writing, Reading, Writing: Scribal Culture and Magical Texts in Early Modern Venice", Italian Studies, 66 (2011): 263-76.

their circulation and at the same time to offer a valid alternative.³ Hence, the establishment of the Stamperia del Popolo Romano in 1561 along with various projects that sought to answer the needs of an orthodox library and furnish precise instructions: among them, Sixtus of Siena's *Biblioteca* sancta, Antonio Possevino's Biblioteca selecta (1593) and Cesare Baronio's *Annales* (1588–1607).⁴ In the battle of the books that had been declared by the Church of Rome, Niccolò Machiavelli's theories also had to be refuted and rejected, and to this end Giovanni Botero's reply was being prepared.⁵ It should also be remembered that a large part of the Italian peninsula was under the direct rule of Spain and the independent States were busily engaged in defending their own sovereignty. In these dynamic circumstances it is clear that awareness of the religio-political crisis in France was acute; and, in fact, even within the Roman curia pro-Spanish groups clashed with the pro-French, political differences that were often reinforced ideologically in terms of confrontation between Aristotelianism and Platonism.⁶ Beyond this cultural confrontation there lay opposing choices in political thought and a new definition of political power: Aristotelianism represents the political Counter-Reformation model, while Platonism could point to a new political system. In a context of such complexity Clement VIII's accession to the Papacy was a source of hopes and expectations in orthodox Catholic circles, in contrast to the misfortunes suffered by the anti-Aristotelian Francesco Patrizi, the highly unconventional

³ L. Firpo, "Filosofia italiana e Controriforma", *Rivista di Filosofia*, 41 (1950): 150–73, and 42 (1951): 30–47; Firpo, "Ancora sulla condanna di Bodin", *Il pensiero politico*, 14 (1981): 173–86; R. Crahay, "Jean Bodin devant la censure: la condamnation de la "République'", *Il pensiero politico*, 14 (1981): 154–72; A. E. Baldini, "Jean Bodin e l'Indice dei Libri proibiti". in *Censura ecclesiastica e cultura politica in Italia tra Cinquecento e Seicento*, ed. C. Stango (Firenze: Olschki, 2000), 79–100.

⁴ R. Po-chia Hsia, *The World of Catholic Renewal*, 1540–1770 (Cambridge: Cambridge University Press, 1998); S. Ditchfield, "Innovation and its Limits: the Case of Italy (ca. 1512–ca. 1572)", in *La Reforme en France et Italie: contacts, comparaisons et contrastes*, ed. P. Benedict, S. Seidel Menchi and A. Tallon (Rome: Ecole Française de Rome, 2007).

⁵ A. M. Battista, "La penetrazione di Machiavelli in Francia nel secolo XVI", Rassegna di politica e storia, 7 (1960): 18–32 (reprinted in Battista., Politica e morale nella Francia dell'Età moderna, ed. A. M. Lazzarino Del Grosso (Genova: Name 1998); Laurie Catteeuw, "Le spectre de Machiavel au service de la curie romaine: le rôle de la censure ecclésiastique dans l'élaboration doctrinale de la raison d'État", in Raison(s) d'État(s) en Europe: Traditions, usages, recompositions, ed. Brigitte Krulic (New York: Peter Lang, 2010), 35–52. See Sidney Anglo, Machiavelli: The First Century. Studies in Enthusiasm, Hostility and Irrelevance (Oxford: Oxford University Press, 2005).

⁶ Antonio Rotondò, "Cultura umanistica e difficoltà di censori: Censura ecclesiastica e discussioni cinquecentesche sul platonismo", in *Le pouvoir et la plume: incitation, contrôle et répression dans l'Italie du XVIe siècle* (Paris: Université de la Sorbonne nouvelle, 1982), 15–50, especially 46.

philosopher Franceso Pucci, and the startlingly heterodox Giordano Bruno. A fundamental diplomatic success of Clement VIII's papacy was the reconciliation of the Church of Rome with Henry IV of France.

This is the political and cultural background to the story of Bodin's works in Italy. Translations and successive editions all over Europe facilitated the circulation of Jean Bodin's works and this also forced Catholic theologians and, even before them, consultors (official advisers) of the congregations responsible for overseeing orthodoxy, the Holy Office and the Index, to come to examine the Angevin jurist's thought. As is well known, censorship was not an exclusive Catholic prerogative; the censors of Geneva also devoted attention to Bodin's works, mainly targeting passages that concerned their city and monarchomach theories.⁷

The reception of Bodin's works in Italy and the Catholic world was characterized by the dark shadows that hung over him. First, the suspicion originating from the sources he adopted that he was a crypto-Jew seriously hindered any possibility that his works might be freely read. Secondly, he was judged to be a *politique*, because of his defence of religious toleration.

The critical attention of the Roman theologians was focused on arguments that favoured freedom of conscience, a concern that seems have emerged from their reading of the *politiques*. Prior to the wars of religion they had stressed the idea that heresy and, thus, a separation from Rome, had disastrous consequences both for the individual who would be damned, and for the state which would be torn apart from within.⁸ To support their rejection of any form of toleration, Catholic theologians and apologists pointed to the wars of religion that were raging in Europe, but not in Spain and Italy. The latter were spared through the providential intervention of the Inquisition that imposed and guaranteed orthodoxy.⁹

I have previously examined in detail how the *Démonomanie des sorciers* fared in the Italian peninsula, emphasizing how the emended translation

⁷ Ingeborg Jostock, *La censure négociée: le contrôle du livre à Genève, 1560–1625* (Genève: Droz, 2007), 208 sqq. See L. Bianchin, *Dove non arriva la legge: Dottrine della censura nella prima età moderna* (Bologna: il Mulino, 2005).

⁸ M. Isnardi Parente, "Întroduzione", in J. Bodin, *I sei libri dello Stato*, ed. Isnardi Parente (Torino; Utet, 1964), 1: 11–100; Diego Quaglioni, 'La sovranità come supremo arbitrato: libertà religiosa e pace politica', in Quaglioni, *I limiti della sovranità: il pensiero di Jean Bodin nella cultura politica e giuridica dell'età moderna* (Padova: CEDAM, 1992), 199–225. See *Jean Bodin* ed. M.-D. Couzinet (Paris-Roma: Memini, "Bibliographie des écrivains français", 2001).

⁹ See M. Valente, Contro l'Inquisizione. Il dibattito europeo (sec. XVI–XVIII) (Torino: Claudiana, 2009).

of the work and the censures that were prepared against it reveal significant commonalities between Bodin's ideas and those of the inquisitors. Through the lens of the inquisitor or the consultor one can obtain a much clearer view of what Roman ideas were on crucial questions such as the persecution of witches. Here my contribution is aimed at assessing whether and to what extent Catholic and inquisitorial polemics, especially against Bodin, were directed and motivated by anti-Machiavellianism, as some scholars maintain, or whether and how far they were prompted by the political and religious crisis in France.¹⁰ The hypothesis that the Catholic action against Bodin arose as a result of the worsening situation in France and the spectre of a solution that would involve Henry IV's accession to the throne, might appear to be confirmed by the high concentration of works dealing with Bodin that were published during a very limited time span, and even more by the interventions of many theologians when engaged in refuting any theories of legitimacy for Henry of Navarre.11 But the hypothesis warrants critical revaluation. As for the question of Machiavellianism and anti-Machiavellianism, this certainly does not remain in the background; but viewed through the lens of these authors it appears to be of secondary importance.¹²

A point that needs to be made at the outset is that a great number and variety of Jesuits were among Bodin's most influential Catholic readers: the cardinal Roberto Bellarmino, the missionary and diplomat Antonio Possevino, Loyola's biographer Pedro de Ribadeneira, in addition to the political philosopher Giovanni Botero. These men entered into violent polemics with him, above all concerning his presumed religious heterodoxy and his openness to toleration understood as peaceful cohabitation among diverse faiths. Bodin's political doctrines were not called into question; nor were his challenging propositions with regard to sovereignty taken up. The Jesuits were focused on the heterodox or crypto-Jewish aspect, and this seemed to colour every reflection that was made on Bodin. In Harro Höpfl's view, on the theme of toleration, the Jesuits' political thinking strongly clashed against the roots of a casuistry

Paolo Carta, "Les exilés italiens et l'anti-machiavélisme français au XVIe siècle", Laboratoire italien, 2002: 93–118.

¹¹ A. E. Baldini, "Botero e la Francia", in Botero e la 'Ragion di Stato', ed. A. E. Baldini (Firenze: Olschki, 1992), 335–59; Baldini, "Aristotelismo e platonismo nelle dispute romane sulla ragion di Stato di fine Cinquecento", in Aristotelismo politico e ragion di Stato, ed. A. E. Baldini (Firenze: Olschki, 1995), 201–26.

¹² Noah Dauber, "Anti-Machiavellism as constitutionalism: Hermann Conring's commentary on Machiavelli's The Prince", *History of European Ideas*, 37 (2011): 102–12.

that would have admitted the *bonum utile* of a peaceful cohabitation. The sovereign's recognized right to punish heretics did not necessarily imply that he had the obligation really to persecute them.¹³ And as we shall see later, this was one of the aspects of Bodin's thought upon which different readers found common ground.

Before discussing the fortunes of Bodin's works and their reception in Italy, I must note that this process was certainly and heavily influenced by the direction the Church had taken through its change of course in 1542. Once the prospect had vanished of a fractured Christian unity knitting together again—though later attempts were made—Paul III convened the Council at Trent and permitted the reorganization of the Roman tribunal of the Inquisition. The events that followed in the domain of book publishing are well known: the first *Index librorum prohibitorum* in Venice, the first Roman Index in 1559 and finally the creation of the Sacred Congregation of the Index in 1572. Thus, the circulation of books and ideas was subject to control: not only were works of religious controversy affected, but also great works of literature (Boccaccio's Decameron, for instance) and authors such as Erasmus. Less surprising was the inclusion of Machiavelli's works. 14 The control of books was intended to stem the circulation of ideas that might have been expected merely to open a door to heterodoxy. Initially only the works of the Reformers were targeted, but over the years the category of heresy was extended to include any divergence from the pronouncements of Rome. On the political front, the Index settled upon works that questioned the legitimacy of the Church's temporal power and even historical reconstructions that failed to defend ecclesiastical claims. A dark phase descended on Italian culture which was the main victim of this strategy following the great triumphs of the Renaissance to which the Church of Rome had also contributed.

The first work of Bodin's to arouse a certain interest is without a doubt the *Methodus* which the ardent Tridentine Cardinal Gebriele Paleotti inserted in a note of 1577 adding those titles that had been left off the Index. ¹⁵ It was one of several forbidden books which, on 21 November

¹³ H. Höpfl, *Jesuit Political Thought: The Society of Jesus and the State, c. 1540–1630* (Cambridge: Cambridge University Press, 2004).

¹⁴ See A. Rotondò, "La censura ecclesiastica e la cultura", in *Storia d'Italia*, ed. Ruggiero Romano and Corrado Vivanti, vol. 5: *I Documenti*, 1397–1492 (Torino: Einaudi, 1973); Ugo Rozzo, *La letteratura italiana negli 'Indici' del Cinquecento*. Udine: Forum, 2005; *La censura libraria nell'Europa del secolo XVI*, ed. U. Rozzo (Udine: Forum, 1997).

¹⁵ M. Valente, Bodin in Italia. La Démonomanie des sorciers e le vicende della sua traduzione, introduction by D. Quaglioni (Firenze: CET, 1999).

1577, the Holy Office received a request to read. 16 The Methodus "aspersa veneno (bespattered with poison)" was later condemned by the Index of Parma in 1580, but unlike Bodin's other works it was included as *Ioannes* Bodinus Emendatio Methodi ad facilem Historiarum cognitionem in the *Index Expurgatorius* credited to the Dominican Giovanni Maria Guanzelli. bishop of Polignano. 17 The Congregation of the Index entrusted the task of examining the *Methodus* to Robert Bellarmino, who delivered his censure on 5 November 1587. The Jesuit judged Bodin's work to be "erudite et eleganter conscripta", but immediately insinuated that the author might be "hereticus aut atheus" owing to the fact that he had drawn on both heretical and Catholic sources.¹⁸ In addition to the usual censor's interventions, such as eliminating references to Protestant authors, it is interesting to see how Bellarmino dwelt on Bodin's analysis of the prophetic gift and on the natural origin of religions.¹⁹ Bellarmino noted how Bodin often used natural causes and not individual choice to explain, for example, "constantiam in religione", from which one could infer a denial of free will.²⁰

Let us now turn from the documents of the Congregation of the Index and look at some private correspondence. On 19 November 1588, the year after Bellarmino delivered his censure, Minuccio Minucci, sometime secretary to the German Congregation of Cardinals, wrote to Antonio Possevino and commented on a first draft of the latter's *Judicium*, a work that had been urged by Giovanni Antonio Facchinetti who would soon be elected the short-lived Pope Innocent IX and was himself the author of an unpublished *Adversus Machiavellem*. Minucci complained of a number of flaws in Possevino's confutation and, most importantly, reproached him for not having sufficiently emphasized Bodin's preference for Judaism over Christianity. In addition to this, Minucci went on to string together

¹⁶ Città del Vaticano, ARCHIVIO DELLA CONGREGAZIONE PER LA DOTTRINA DELLA FEDE [hereafter ACDF], S.O., Decreta 1577-78, fo. 16.

¹⁷ P. Simoncelli, "Documenti interni alla Congregazione dell'Indice 1571–1590. Logica e ideologia dell'intervento censorio", *Annuario dell'Istituto storico italiano per l'età moderna e contemporanea*, 35–36 (1983–84): 189–215. See M. D. Couzinet, *Histoire et méthode a la renaissance: une lecture de la Methodus ad facilem historiarum cognitionem de Jean Bodin* (Paris: Librarie philosophique J. Vrin, 1996).

¹⁸ ACDF, Index, Diari, I, fo. 28. See P. Godman, *The Saint as censor. Robert Bellarmine between Inquisition and Index* (Leiden-Boston-Köln: Brill, 2000), 244–247; S., Tutino, *Empire of Souls: Robert Bellarmine and the Christian Commonwealth* (Oxford: Oxford University Press, 2010).

¹⁹ ACDF, Index, Protocolli H, fos. 479–80.

²⁰ "Pag. 313: Deleantur illa: 'At ne Pontifices quidem Romani', Falso enim et contumeliose Romanos Pontifices cum tyrannis iungit": ACDF, Index, Protocolli H, fos. 479–80.

a series of increasingly severe judgements that climaxed with his assertion that Bodin was the author who had written "più scelleratamente di queste materie (most wickedly on these subjects)" and whose aim had been to destroy all faith and with it the Church of Rome. In Minucci's view, Bodin's conclusions could have been suggested to him only by the demon which had helped him to acquire vast knowledge, even though at times this was accompanied by unforgivable errors.²¹ Minucci had seen the *République* in both its French and its Latin editions and had taken up the book again upon hearing of the great success of the Italian translation. Of the Démonomanie he declared that he was familiar only with the Italian version which had been emended in such a way as not to reveal that it was by "such a wicked author", while he had no desire to read the Methodus since he held it to be a work of little interest.²² After carefully identifying the weak points in Possevino's expurgatory efforts, Minucci thought he could make out Bodin's real intentions, which were not to "teach good government", but to bring about the ruin of the state, in accordance with "his master" Machiavelli. Minucci believed that works by authors such as Machiavelli and Bodin could not be successfully expurgated also because he was aware of the growing contemporary interest in politics. Among readers daunted by the theoretical difficulties in the works of Plato, Aristotle and Augustine, and those who sought answers in Tacitus or Horace, there were also many who were reading the works of Machiavelli, Innocent Gentillet and Bodin. Hence, it was necessary to satisfy their curiosity with a Catholic political theory that could combine more closely politics and morals.²³ Today, thanks to the work of Enzo Baldini, we can gain a richer understanding of the dialogue between Minucci and Possevino, from the letters of Filippo Sega, archbishop of Piacenza, a man who congratulated himself on belonging to a veritable triumvirate contra Bodino.²⁴ Sega wrote to Minucci that he knew the *Methodus* well and the *République*

²¹ M. D'Addio, "Les Six livres de la république e il pensiero cattolico del '500 in una lettera del Mons. Minuccio Minucci al Possevino", in Medioevo e Rinascimento: Studi in onore di Bruno Nardi, 2 vols. (Firenze: G. C. Sansoni, 1955), 1: 127–144. On Minucci, see A. Koller, in Dizionario Biografico degli italiani, 74 (Roma, 2010), s.v. See A. E. Baldini, "Primi attacchi romani alla 'République' di Bodin sul finire del 1588. I testi di Minuccio Minucci e di Filippo Sega", Il pensiero politico, 34 (2001): 3–40.

²² Minucci, *Lettera a Possevino*, in D'Addio, "Les Six livres de la République e il pensiero cattolico", 143.

²³ "Christiana et giovevole, la quale insieme con le ragioni politiche, o Ragioni di Stato, infondesse ad altri il gusto suavissimo della legge di Christo et della fede Cattolica": Minucci, *Lettera*, in *D'Addio*, "Les Six livres", 143.

²⁴ Baldini, "Primi attacchi romani alla *République*": 3–40.

only in part. While considering Bodin to be a "huomo dottissimo", he criticized the Angevin's obscure and confused prose, and above all, he judged Bodin to be "perditissimo per la religione" and, in any event, hostile to the Church and the pontiffs. We should remember that only Possevino later published a work against Bodin: the others wrote about him in their private correspondence. Thus, these documents can help to shed fresh light on Bodin's reputation among the ecclesiastical corps.

By lumping Machiavelli, the Huguenot soldier and historian François de la Noue and Bodin together, Antonio Possevino was responding to Pope Innocent IX's request to combat the spread of dangerous political theories, though it is worth noting that the work was published only after the death of a pope who perhaps had not entirely approved the Jesuit's confutation. According to Possevino, these authors shared the common goal of detracting from the law of the gospel. In his *Judicium* (pp. 124–146) and later in his *Bibliotheca selecta* (pp. 134–144) Possevino examined three of Bodin's works (Methodus, République and Démonomanie), pointing out elements of continuity in them and internal contradictions. Focusing his attention on the religious aspects of the first work, he condemned Bodin's continual recourse to Lutheran historians and the invitation to readers to refer to the Magdeburg Centuries. Above all, Possevino noted and listed the numerous criticisms Bodin levelled against papal authority, the foremost being those made against the papacy's claims to temporal power, along with Bodin's numerous statements against Christianity, as Possevino interpreted his defence of Tacitus. Similarly, when dealing with the République Possevino, whilst mentioning the existence of the Italian translation published in Genoa, emphasized Bodin's ignorance of Catholic dogma and the contradictions in the latter's work, notably when he considered the question of free will. In addition, Possevino drew attention to what he identified as the central theme in Bodin's work: the superiority of temporal over spiritual power, and hence the subordination of the Pope to the secular sovereign. Such a theory could in no way be accepted. In Possevino's eyes it forced Bodin drastically to understate the historical role played by the Church of Rome and the value of Christianity which was presented as if it were just another idolatrous religion. By adopting this perspective, Bodin had completely neglected the Roman paradigm in his analysis of different models of states. However, of most concern to Possevino were the consequences of such principles. They opened the door to religious toleration, in the sense of peaceful co-existence among diverse faiths. Such a principle undermined the solidarity of the state: witness what was happening in France. By comparison, Bodin's work on demonology merited different treatment since, in Possevino's view, he rightly urged vigorous action against witches who in their apostasy revealed themselves to be extremely poor and bad subjects, because of their choice to devote themselves to Satan.²⁵

Reading through Possevino's pages, one notices a greater degree of attention to and concern for the situation in France than for political theories, even if the cause and effect relationship is not easy to discern. It is difficult to determine whether, from the perspective of the interpreters we are examining, the French crisis was held to be the cause or a consequence of the spread of these political theories. Certainly in the rhetorical sense the argument flows according to the classical model of the Counter-Reformation controversialist approach: it is the presence of heresies that infected political thinking and political developments too.

The attention devoted to Bodin's works depended to a great extent on their circulation which was promoted by their Italian translations. The translation of the Démonomanie was published in Venice in 1587 (other translations appeared in 1589 and 1592).²⁶ It was dedicated to Cardinal Agostino Valier and contained the Italian translation of Sixtus V's bull Coeli et terrae Creator: a clear signal of alignment with the Church in the battle against the sceptics who were defending witches. In spite of the fact that the translator and editor had "diligently corrected and also emended all those things that might in any way shock the pious minds of Catholics and the faithful of the Holy Church", the Démonomanie, along with the Talmud and the vernacular Bible, was included in the famous note appended to the Clementine Index (1596).²⁷ The decision to prohibit Bodin's work formed part of the war the Church was waging against materials in the vernacular which could reach pious ears and eyes. But what weighed decisively in the Roman verdict was the author's political profile as well as suspicions about his faith: for in fact, Bodin's fundamental goal of persecuting witches coincided with that of the Roman Church.

²⁵ A. Possevino, Judicium de Nuae militis Galli, scriptis, quae ille Discursus politicos et militares inscripsit. De Ioannis Bodini Methodo historiae: Libris de Repub. & Demonomania, De Philippi Mornaei libro De perfectione christiana. De Niccolao Machiavello (Romae: Ex typographia Vaticana, 1592). See V. Frajese, "Machiavelli, Niccolò, e machiavellismo", in Dizionario storico dell'Inquisizione, ed. A. Prosperi (Pisa: Edizioni della Normale, 2010), 951–4.

²⁶ See Valente, Bodin in Italia, passim.

 $^{^{27}}$ See Fragnito, La Bibbia al rogo, and Frajese, Nascita dell'Indice, both cited above (note 2).

In spite of the translator's efforts at censorship, the Congregation of the Index requested an opinion on the Démonomanie from the Abbot Marcantonio Maffa. Maffa's two interventions have been preserved: the first on the translation of 1587 and the second on that of 1589.28 First, the consultor made it clear that his judgement rested exclusively upon his inference from a reading of Bodin's works that their author was a *politique*: in other words, that he preferred his own *giudicio* to that of the laws.²⁹ With regard to faith, the work contained very few quotations from the New Testament, and this led Maffa to suspect that Bodin was a Jew. The suspicion sprang from consideration of the sources in the *Démonomanie*: from Bodin's previous writings Maffa had supposed that he favoured an arbitrary, personal religion.³⁰ Nevertheless, Maffa recognized that the work had various merits. For one thing, it laid bare the demoniac deceptions that drew one away from God and the Church. Secondly, it condemned the abominable actions of the witches. Above all, the fourth book of the Démonomanie was praiseworthy, in that Bodin urged the magistrates to intervene and supported them with solid arguments.³¹

The work ended up on the Index, Holy Office having influenced Clement VIII's decision to add an *Observatio* to the Index to introduce the condemnation of the Talmud, of the translations of the Bible into vernacular languages, and of Bodin's works. However, the story of the Italian translations of the *Démonomanie* is bound up with the story of relations between Rome and Henry IV's France. It connects as well with the fortunes of interested parties, such as Francesca Giunti who invested her dowry in printing the translation and was left with a warehouse full of unsold copies—an illustration at the business level of the effects of the Church of Rome's cultural policy.³² Yet, despite the book's inclusion on the Index, the question of the *Démonomanie* was not dropped. After being solicited by a

²⁸ ACDF, Index, Protocolli O, fo. 199, and Protocolli O, fo. 420.

²⁹ ACDF, Index, Protocolli O, fo. 207vo-208.

^{30 &}quot;Leva la religione, o specie di quella. Negli scritti fatti prima della Demonomania, l'hò tenuto a ciò, o vero d'una religione arbitraria, et fabricata a suo modo. Nel libro della Demonomania si scorge Giudeo, conciosia che quasi mai cita la scrittura nova, nè fa mentione di Christo, se non sforzatamente sempre ha in mano la legge Hebraica, et di quelle leggi fa mentione, come da che tuttavia siano in obligo quanto alli giudicij, in vece de Santi Dottori, et Theologi seguita sempre, ò quasi sempre certi Rabinacci, et a costoro, et a Giudei dalla vera intelligenza della Scrittura, et della legge di Dio": ACDF, Index, Protocolli O, fo. 207vo–208.

³¹ ACDF, Index, Protocolli O, fo. 199-vo.

³² M. Valente, "Francesca Giunti, editrice della *Démonomanie des sorciers* di Jean Bodin", in *Donne, filosofia e cultura nel Seicento*, ed. P. Totaro (Roma: CNR, 1999), 339–46.

series of letters and petitions from the printers Niccolò Manassi and Aldo Manuzio, the Congregation decided on 20 July 1596 to request an opinion on the book from another authoritative consultor, Francisco Peña. On 29 April 1599 Peña delivered the *Censura in Daemonomaniam Bodini Venetijs impressum vulgari lingua*. ³³ A distinguished canonist, Peña had written a *Responsio canonica* to arguments in support of Henry of Navarre's claim to the French throne, and so his opinion is an important one. It contained numerous suggestions. To begin with, the consultor affirmed that Bodin rightly highlighted the seriousness of the crimes of witchcraft, and thus contributed to combating the sceptics. However, digging a little deeper he uncovered the work's dangerous contents. In line with Maffa's previous observations, Peña criticized the fact that, in matters of demonology, Bodin relied not only on the Church Fathers, but also on philosophers and rabbis; nor did he consider Bodin's angelology to be orthodox.

It may be supposed that the Congregation of the Index had provided Peña with Maffa's earlier censures. From a reading of the *Démonomanie*, even in the new emended edition of 1592, it becomes unmistakably clear that during the process of expurgation Bodin's most important ideas in the sphere of theology received no consideration at all. In exploring the text in an attempt to highlight Bodin's ambiguities, Peña found many passages which, despite their having already been expurgated, would require further and too numerous interventions. According to the consultor the work, therefore, had to remain prohibited, though he proposed the possibility of granting dispensations to read the Démonomanie to persons who were above suspicion. Certainly such persons, together with the Inquisition, should prevent the *Démonomanie* from being read by "imperitis, etiam foeminis (by the ignorant as well as by women)". Having reviewed Peña's opinion, the Congregation of the Index confirmed the prohibition of the Démonomanie on 24 April 1599 whilst accepting the consultor's proposal with regard to licensing the reading of the Latin translation.

In the *Démomonomanie* Bodin's thesis was in line with Roman policy against witches, and it was for this reason that the consultors and inquisitors hesitated to condemn it definitively.³⁴ At the same time as the reviews of the *Methodus* and the *Démonomanie* were proceeding, so too, between 1587 and 1589, scrutiny of the *République* had also begun. The Italian

³³ ACDF, Index, Protocolli N, fo. 233-vo.

³⁴ Valente, *Bodin in Italia*, 180–181; also Valente, "...conoscere a fondo le pessime arti de' maliardi, per potersene guardare, e difendere...: sulla censura di alcuni trattati demonologici", in *Dimensioni e problemi della ricerca storica* (2012): 171–92.

translation of the work was published in 1588.³⁵ The translator, Lorenzo Conti, presented Bodin as a man of the highest merit in the realm both of speculation and of the *vita activa*.³⁶ Above all he made no attempt to hide his hope that Italy would benefit from reading this work. Unlike the theoreticians who had formerly dealt with political topics, Conti observed that Bodin transformed theory into practice by enriching it with examples from history.³⁷

As Rodolfo Savelli has pointed out, Conti's translation differed in a number of respects from the original text: his modifications concerned the history and role of Genoa, references to heretics, and passages where papal primacy was contested along with anything else that might have offended the Catholic faith.³⁸

Despite the translator's intervention and the approval for publication by the Genoese inquisition, the Congregation of the Index entrusted the censure of the *République* to a series of consultors, including initially Giovanni Botero and then Lelio Pellegrino. In his censure, Pellegrino, a lecturer in philosophy at La Sapienza in Rome and friend of the poet Torquato Tasso, had intended to highlight the points in Bodin's work that were *contra catholicam pietatem*. Among the features that stood out were the limits

³⁵ I sei libri della Repubblica del Sig. Giovanni Bodino tradotti di lingua francese nell'italiana da L. Conti (Genova: Girolamo Bartoli, 1588). Lorenzo Conti translated Commynes' work: see R. Savelli, in Dizionario Biografico degli italiani, 27 (Roma, 1983), s.v.; and Savelli, "Tra Machiavelli e San Giorgio: Cultura giuspolitica e dibattito istituzionale a Genova nel Cinque- Seicento", in Finanze e ragion di Stato in Italia e in Germania nella prima Età moderna, ed. A. De Maddalena and H. Kellenbenz (Bologna: Il Mulino, 1984), 249–321.

^{36 &}quot;Messer Giovanni Bodino...è stato, et è (perché vive ancora) grandissimo huomo nelle lettere, e nell'attioni publiche e civili. Di quelle ci rendono testimonianza molti dottissimi latini componimenti fatti da lui in varii tempi della sua età; di queste gli honorati carichi e dignità, ch'egli hebbe, et ha continuamente da suoi Re. Fra l'altre opere, in sua vecchiezza ha dato in luce i Sei presenti libri della Republica, scritti nella sua natural Francese favella: e nel vero giudiziosamente. Percioche, contenendo eglino cose di stato, di leggi, e di precetti politici, stimo cotali ammaestramenti dover'essere a Popoli di quel Regno tanto piu utili, quanto con piu facilità potessero esser letti, et intesi da loro": L. Conti, *I sei libri*, 'Premessa', n.p.

³⁷ "Conciosia che dove gli antichi, e moderni gravissimi scrittori trattarono quasi tutti della Republica, e delle leggi semplicemente, e nudamente, piu tosto formandole in Idea, e quali doverebbono essere, che quasi sono state, e sono poco giovamento percio recando alla posterità; Il Bodino incontrario riducendo come in atto tutto quello ch'egli ne scrive, e accompagnandolo con particolari essempi, e con ragioni chiarissime, et efficaci, riempie ciascuno di meraviglioso piacere, e porge insieme ampissimo campo di sceglier cose utilissime per lo governo de'popoli, per la salvezza della patria, per la conservatione di se, della fameglia, e di tutta la comunanza de gli huomini…": Conti, *I sei libri*, 'Premessa', n.p.

³⁸ R. Benedettini, "I Six livres de la République di Jean Bodin tradotti da Lorenzo Conti: tra segni di censura e filologia", *Il pensiero politico* 42 (2009): 198–229.

to papal jurisdiction in favour of which Bodin argued strongly, the praise of Geneva, the case of Hus, and the continuous use of Protestant sources. Above all, Bodin seemed to be defending freedom of conscience.³⁹

Once again it becomes clear that Bodin's Catholic readers were mainly concerned with the religious aspects of his work because of its sliding towards freedom of conscience (as they defined it), as well as with its political arguments because of the threat they posed to papal *plenitudo potestatis*. When even Cardinal Benedetto Giustiniani applied for a licence to read and keep the Italian translation of the *République*, he obtained it only on condition that the author's name be removed along with the suspicious passages; while the patrician Giacomo Soranzo's request was rejected by the Holy Office on 1 October 1592, thus anticipating the decree of 15 October 1592 that prohibited the *République*. In the Index of 1593 Bodin's works were listed under the category *donec corrigantur*, while later in the Index of 1596 they were condemned *omnino*.

An interesting and consequential aspect of the Roman interpretation of Bodin's works relates to the requirement, following the prohibition, to obtain a dispensation to read them. The requests collected in the Holy Office's archives furnish an intriguing gallery of readers' portraits. Thus, on 25 January 1597 Luigi Zenobi applied for a permit to read the *République* in the certainty that he would run no risk of contamination since for years he had been in contact with the heretical sects. 44

Meanwhile, news arrived of the publication of yet another of Bodin's works, the *Universae naturae theatrum*. It was Bartolomeo Rocca, Inquisitor of Turin, who declared he had prohibited it whilst awaiting a decision from Rome. 45

But the documents of the Holy Office allow us to follow another affair which led to the inclusion of the *Methodus* on Guanzelli's index. First, the inquisitor of Venice dispatched several works for expurgation, among them the *Methodus*. Then, from the early months of 1600 until 1603 the Congregation of the Index was continuously pressurizing the inquisitor of

³⁹ ACDF, Index, Protocolli H, fo. 483vo.

⁴⁰ See Alessandro Carrerio, *De potestate Romani Pontificis adversus impios politicos libri duo* (Patavii: apud F. Bolzetam, 1599).

⁴¹ ACDF, S.O., Decreta 1592–1593, fo. 204vo.

⁴² ACDF, S.O., Decreta 1591–92, fo. 385vo: see Firpo, "Filosofia italiana e Controriforma", 156. ACDF, S.O., Decreta 1591–92, fo. 391.

⁴³ Fragnito, *La Bibbia al rogo*, 143–71; also Valente, *Bodin in Italia*.

⁴⁴ ACDF, Index, Epistolae, III, fo. 106.

⁴⁵ ACDF, Index, Epistolae, III, fo. 290.

Ancona for a censure of the *Methodus*, despite the fact that the inquisitor had already complained of the poor quality and laziness of the Anconese consultors. In line with the rules of the Tridentine Index, the expurgations of Guanzelli's Index were confined to striking the names of Lutheran authors such as Johannes Sleidanus as well as Machiavelli's. Also deleted were the remarks on historians by the Platonist and ecumenicist Cardinal Johannes Bessarion, which Bodin had reported. The expurgations were of an unmistakably religious character, such as that concerning the abolition of the Mass as quoted from Sleidanus, the defence of Tacitus from accusations of impiety, the criticisms of Roman abuses. By and large the expurgations are a recycling of the salient points from previous censures. At

In the story of the reception of Bodin's works, Miguel Aviles Fernandez must be mentioned, however briefly. It was he who pointed out the importance of the Spanish translation of the *République*. This work has a clear bearing on Bodin's Italian reception since the project had its origins in the Duchy of Savoy where in 1591 a licence was granted to publish a translation emended into compliance with Catholicism. The various Spanish pronouncements of censure substantially repeated the observations made by Possevino and others with regard to the Pope's *plenitudo potestatis*, the question of celibacy and the absence of the doctrine of the Trinity. Accordingly, it followed that the book was not emendable after all.

Following this conclusion, Marcello Acquaviva, archbishop of Otranto, in a letter dated 10 November 1592, informed the inquisitor of Asti that he should to take measures to confiscate the copies of the Spanish translation of the *République*, since the Holy Office had judged the work to be very pernicious to the Catholic faith.⁴⁹ In the case of the *Démonomanie*, the same caution was to be applied, while new indications from the Congregations were awaited. The decision came quickly. In a decree of February 1593 the Holy Office prohibited the Spanish translation of the *République* because there remained *gravissimos errores et pestiferas haereses*.⁵⁰

⁴⁶ ACDF, Index, Epistolae, III, fos. 55 and 682.

⁴⁷ Giovanni Maria Guanzelli da Brisighella, *Indices librorum expurgandorum in studiosorum gratiam confecti. Tomus primus. In quo quinquaginta auctorum libri prae coeteris desideratis emendatur* (Roma, 1607), 499–501.

⁴⁸ M. Aviles Fernandez, "La Censura Inquisitorial de 'Los Seis libros de la república' de Jean Bodin", *Hispania Sacra*, 37 (1985): 655–692.

⁴⁹ Scriniolum Sanctae Inquisitionis Astensis...(Astae, apud Virgilium de Zangrandis, 1610), 120.

⁵⁰ ACDF, S.O., Decreta 1591–1592, February 4, 1593, fo. 306vo.

The reputation of the dangerous spread of the Italian translations of Bodin's works and the interventions made on the text in respect of their heretical content are also echoed in the work of Pedro de Ribadeneira. Although it had been intended to emend Bodin in Italian or Spanish translation, the contents required in the event an absolute prohibition. *Los hombres de Estado* read and let themselves be guided by the teachings of Machiavelli, La Noue, Philippe Duplessis-Mornay, and Bodin himself who was defined as an individual "ni enseñado en Theologia, ni exercitado en pietad". ⁵¹ Another Spanish inquisitor, Luis de Paramo, author of the first history of the Inquisition, associated Bodin with Machiavelli because they both proposed to keep the civil peace at the cost of admitting heresies. ⁵²

To return to Italy, the condemnation of Bodin's works and thought sheds light on the heated state of conflict that existed between the Congregations of the Holy Office and the Index⁵³ as well as on the intervention of leading cardinals of the day, such as Agostino Valier, Giulio Antonio Santoro and Francisco Toledo.⁵⁴ The battle against Bodin arose over the political and religious content of his works, his open criticism of Aristotle, and his espousal of a religious life conducted on an intimate, personal level, and thus remote from external ceremonies and practices. According to the Roman theologians and inquisitors, the French political crisis revealed the terrifying consequences of Bodin's theories. They stressed how religious toleration could have opened the way to the religious wars. So the

^{51 &}quot;Que de las obras de Iuan Bodino, que andan en manos de los hombres de Estado, y son leídas con mucha curiosidad, y alabadas, como escritas de un varon docto experimentado, y prudente, y gran maestro de toda buena razon de Estado? No mirando que estan sembradas de tantas opiniones falsas y errores, que por mucho que los que las han traduzido de la lengua Francesa en la Italiana, y en la Castellana, las han procurado purgar y emendar, no lo han podido hazer tan enteramente, que no queden muchas mas cosas que purgar y que emendar. Estas son las fuentes de que beven los Politicos de nuestro tiempo: estas las guias que siguen, estos los preceptores que oyen, y la regla con que regulan sus consejos": P. de Ribadeneira, *Tratado de la religion y virtudes que deve tener el Principe Christiano, para governar y conservar sus Estados. Contra lo que Nicolas Machiavelo y los Politicos deste tiempo enseñan* (Madrid: P. Madrigal, 1595), fos. 5vo–6.

⁵² Luis de Paramo, *De origine et progressu Officii Sanctae Inquisitionis eiusque dignitate & utilitate libri tres* (Matriti: ex typographia Regia, 1598), 290. On the Spanish Inquisition and Bodin cf Harald Braun's chapter in this volume, below, pp. 257 sqq.

⁵³ See Fragnito, *La Bibbia al rogo*, 189; and S. Testa, "The ambiguities of censorship: Tesori politici (1589–1605) and the Index of Forbidden books", *Bruniana e Campanelliana*, 13 (2007): 559–72.

⁵⁴ See S. Ricci, *Il sommo inquisitore: Giulio Antonio Santori tra autobiografia e storia* (1532–1602) (Roma: Salerno, 2002), 380–420; Ricci., *Inquisitori, censori, filosofi sullo scenario della Controriforma* (Roma: Salerno, 2008), 272–90.

French political situation represented an essential yardstick for examining the perception of new political theories, such as Machiavellism.

In the meantime, a letter dated 10 January 1600, from Cipriano Uberti, the inquisitor of Vercelli in reply to Valier, gave news of the persistent circulation of Bodin's works in Italy. He insisted on the idea that Bodin seemed to be "più rabino che cristiano" and deplored the scant attention which the Angevin had paid to Catholic exorcisms. In another letter to Valier dated 14 April 1602 Uberti affirmed that he had seen the *Theatrum* and that he had had a report confirming that Bodin had more of the rabbi in him than the Christian—an idea reinforced by the Jesuit scholar and theologian Martin Delrio in his *Disquisitionum magicarum* (1599–1600). To prevent any further circulation of the *Theatrum*, Uberti intended to prohibit the reading and possession of the work—while he waited for a decision from the Congregation of the Index—by simply recognising that Bodin was its author. After 1628 the work was definitively prohibited.

By now an inescapable cloud of suspicion had descended over Bodin and it stigmatized his works without the need for further analysis. From the documents presented here it clearly emerges that the Catholic readers were almost exclusively concerned with the religious aspect of his works and his attacks on papal jurisdiction. A further confirmation of this may be found in Traiano Boccalini's famous fictional report in which Bodin was condemned for his views on freedom of conscience, a theme which recurred in the confutation by the anti-Machiavellian Fabio Albergati, the only Italian writer closely to examine Bodin's errors in the *République*.⁵⁷

In conclusion, the lens I have chosen through which to observe the reception of Bodin's works in Italy allows us to gain a clearer grasp of the importance of the French question: but this importance goes well beyond the thorny problem of a solution to the civil wars with the ascent of

⁵⁵ See G. Tibaldeschi, "Un inquisitore in biblioteca: Cipriano Uberti e l'inchiesta libraria del 1599–1600 a Vercelli", *Bollettino storico vercellese*, 19 (1990): 43–103; also A. Malena, in *Dizionario storico dell'Inquisizione*, 3: 1605–1606, s.v.

⁵⁶ ACDF, Index, Protocolli N, fo. 359. See Blair, A. *The Theater of Nature: Jean Bodin and Renaissance Science* (Princeton NJ: Princeton University Press, 1997). On Delrio, see Jan Machielsen, "Demons and Letters: aspects of the life and works of Martin Delrio, 1551–1608" (University of Oxford, D. Phil. dissertation, 2011).

⁵⁷ F. Albergati, Discorsi Politici libri cinque. Ne'i quali viene riprovata la dottrina politica di Gio. Bodino e difesa quella di Aristotel (Roma: Luigi Zannetti, 1602), 375. See Diego Quaglioni, 'La sovranità come supremo arbitrato: libertà religiosa e pace politica', in Quaglioni, Ilimiti della sovranità: 199–225, especially 219–25. See A. E. Baldini, "Albergati contro Bodin: dall" "Antibodino" ai 'Discorsi politici'", in Jean Bodin a 400 anni dalla morte: bilancio storiografico e prospettive di ricerca, ed. A. E. Baldini, Il pensiero politico, 30 (1997): 287–309.

Henry IV to the throne. In my view, what emerges instead is the nature of the relationship between the political and religious cultures of France and Italy at a time when dialogue with other cultures had grown much more difficult, if not impossible. I am thinking above all of England with which, in many respects, the Church of Rome had burnt its bridges. The censures that were placed on the works of French authors, *in primis* those of Bodin, appear to be aimed at attempting a reconciliation: some Roman theologians wanted to preserve the Catholic Church's influence in France and the censure could help to maintain an open dialogue, whereas condemnation could radicalize French authors in their jurisdictionalist claims. However, the consequences and results of this attempt are a chapter in cultural history that still needs to be examined in depth.

Some mention must in conclusion be made of the impact these censures and expurgations had on the development of political thought in Italy. The peninsula could boast an illustrious tradition in this field, extending from Bartolo of Sassoferrato through Marsilio of Padua to Niccolò Machiavelli and Francesco Guicciardini. Now that mode of thought and, for that matter, the entire culture of the peninsula were destined to suffer from the limits imposed by the policies of Rome, which also led authors to practise self-censorship. A number of ideas continued to circulate 'underground' to re-emerge in the eighteenth century when political conditions were very different. The question of the ecclesiastical reception of Bodin's works had arisen at a time when circumstances were still dynamic. That time came to an end during the first three decades of the seventeenth century (when there were numerous requests for permission to read the works of Machiavelli, of Charles Du Moulin, and of Bodin), though by now Bodin's name had lost a good deal of the heterodox dynamic that had previously been attributed to it.

CHAPTER TEN

BODIN'S *DÉMONOMANIE* IN THE GERMAN VERNACULAR

Jonathan Schüz

Bodin's *Démonomanie* had a widespread reception in the German vernacular. Bodin not only serves as one of the main authorities to prove that witches are real and dangerous, but also as a substantial and well-used source of seemingly first-hand and reliable example stories. Perhaps the most striking proof of Bodin's popularity is the long and successful sequence of German translations of the *Démonomanie*, which will be considered in more detail in this paper.¹

1. Johann Fischart's Translation

The history of these editions begins as early as 1581, one year after the first publication of the *Démonomanie*, when the first edition of Johann Fischart's German translation of the text was published; and it continues until the last early-modern publication, in 1698.²

Johann Fischart was born in 1546/47 in Straßburg. He studied law at the universities of Tübingen, Paris, Siena and probably in London and the Netherlands, and obtained his doctoral degree from the University of Basel in 1574 after returning to Straßburg. In 1581 he was working as a solicitor at the *Reichskammergericht* (imperial chamber court) in Worms. His *oeuvre* in the 1570s consists of a dazzling variety of mainly satirical or humorous texts, together with harsh polemics against the Counter-Reformation, specifically against the Jesuits. During the 1580s he began to work in the field of demonology. He translated Bodin's *Démonomanie*, took care of a new and revised edition of the *Malleus Maleficarum*, and,

¹ Unless otherwise indicated, all translations in this chapter are by the author. All references to Bodin's *Démonomanie des sorciers* are to the 1580 edition published at Paris by Jacques Du Puys. References to 'VD 16' and 'VD 17' are to the *Verzeichnis der im deutschen Sprachraum erschienenen Drucke des 17 Jahrhunderts* (Catalogue of books printed in the German-speaking countries in the sixteenth or the seventeenth century).

 $^{^{2}\,}$ Other editions were published in the years 1586 and 1591.

most likely, was himself responsible for witch trials in 1587 when he held the position of an *Amtmann* (the town's jurist) in Forbach near Saarbrücken. He died *circa* 1590/91 in Forbach.³

Fischart's translation of the *Démonomanie* was quite a successful project. It was published and republished three times in the sixteenth century, in 1581, 1586, and 1591, though, given the date of his death, it is hard to say how far he himself was involved in the publication and editing of the last edition. However, this third edition shows how greatly the text was valued in the late sixteenth century. The book must have been significantly more expensive than the previous editions: with a larger page-layout it was almost double their size and was further augmented with a copious index, containing about one thousand entries. In addition, the 1591 edition contains an expert opinion concerning a specific witch trial as an example of how a trial should be conducted.⁴ Wolfgang Behringer has shown that Fischart's translation was not only read as a theoretical text on demonology, but most likely was also used as a handbook in court. The term "Hexenreichstag (witches' diet)", which Fischart coins to paraphrase Bodin's "assemblees des Sorciers", appears in the records of the Bavarian witch trials in Rettenberg-Sonthofen in 1586/87.5

The *Dämonomanie* was Fischart's ticket to other projects in this area. Even before the Bavarian trials, the Frankfurt printer Nikolas Basse, together with the Straßburg publisher Lazarus Zetzner, prepared a compilation of demonological texts containing the *Malleus maleficarum*, which

³ It is not possible to reconstruct Fischart's biography in detail. A thorough study is Wilhelm Kühlmann, "Johann Fischart. Leben und Werk," in *Literatur im Elsaß von Fischart bis Moscherosch. Gesammelte Studien*, ed. Wilhelm Kühlmann and Walther E. Schäfer, 1–24 (Tübingen: Niemeyer, 2001); as well as Christian Hoffmann, "Bücher und Autographen von Johann Fischart," *Daphnis* 25 (1996): 489–579. Substantial and still important is the book by Adolf Hauffen, *Johann Fischart. Ein Literaturbild aus der Zeit der Gegenreformation.* (Leipzig/Berlin: de Gruyter, 1921/22). Fischart's involvement in the Forbach witch trials 1587 can only be reconstructed from a passage in Rémy's *Daemonolatria* (see below, note 58) from 1595, where these trials are mentioned in chapter I, 12. Although Fischart's name is not quoted in this passage, it seems highly unlikely that he had nothing to do with these trials, being the responsible jurist in town.

⁴ This expert opinion had been published independently before: *Informatio iuris, in causa poenali; vtrum tres mulieres maleficii, et veneficii, ceu Reae, delatae capi, & torqueri potuerint, nécne?*...Frankfurt: Christian Egenolff Erben, 1565 (number I 184 in the VD 16). However, since all names (including that of the author himself) have been made anonymous, I have not been able so far to locate the trial or the author.

 $^{^5}$ Wolfgang Behringer, Hexenverfolgung in Bayern. Volksmagie, Glaubenseifer und Staatsräson in der Frühen Neuzeit (München: Oldenbourg, 1987), 132. This expression is also used by David Stumpf in his version of the text: see cap 3. Stumpf is discussed below, pp. 247–50.

was first published in 1580. This compilation was published again, in an augmented edition, in 1582. In the Latin foreword to this edition of the compilation, Zetzner explains how he had met Fischart at the Frankfurt book fair. In view of the *Dämonomanie*, he seemed to be the right man to undertake the project of modernizing the somehow antiquated text of the *Malleus*. Apart from correcting typographical or grammatical errors, Fischart added marginal notes and restructured the text by means of paragraphs, but tried to change as little as possible in order to keep the text authentic.⁶ These are basically the same strategies as those he employed in his *Dämonomanie*. If André Schnyder is correct in his study of the *Malleus*'s history of publication, Fischart's edition was more or less reprinted in all subsequent compilations until the last early modern edition 1669 in Lyon.⁷

Fischart's *Dämonomanie* is interesting for several reasons apart from this long history of textual reverberations. In the first place, Fischart is notorious for his translations. His *magnum opus*, the *Geschichtklitterung*, on which he worked in different editions for fifteen years, is ostensibly a translation of Rabelais's *Gargantua*.⁸ Fischart here uses the original text as a starting point to indulge his own whims and to add miscellaneous material collected beforehand. He plays with language, etymology and phonetics until the original becomes almost unintelligible and in the end is over three times longer than before. In effect, he manages to produce the "Finnegan's Wake of the sixteenth century", as it is frequently labelled, or in his own words, a "confused and unshapely model of the nowadays confused and unshapely world".⁹ If we take the *Geschichtklitterung* as an example of what he is able to do with a text, the question then arises: what happens to the *Démonomanie* when Fischart gets his hands on it.¹⁰

⁶ Cf. Malleorum quorundam maleficarum, tam veterum quam recentiorum authorum tomi duo...(Frankfurt: Johann Basse, 1582), sigs. 2-sig. 3.

⁷ See André Schnyder. "Der Malleus Maleficarum. Fragen und Beobachtungen zu seiner Druckgeschichte sowie zur Rezeption bei Binsfeld, Bodin und Delrio," *Archiv für Kulturgeschichte* 4 (1992): 334.

⁸ For a recent study in English on this text see Josef K. Glowa, *Johann Fischart's Geschichtklitterung: a Study of the Narrator and Narrative Strategies* (New York: Peter Lang, 2000).

⁹ "Ein verwirrtes ungestaltes Muster der heut verwirrten ungestalten Welt": Johann Fischart, *Geschichtklitterung (Gargantua*), ed. Ute Nyssen (Düsseldorf: Karl Rauch Verlag, 1963), 8.

¹⁰ Despite the considerable number of studies on Fischart in general, there are few studies of his translation of the *Démonomanie*: Jonathan Schüz. *Johann Fischarts Dämonomanie*. Übertragungs- und Argumentationsstragtegien im dämonologischen Diskurs des späten 16. Jahrhunderts. Diss. Berlin, 2010 (URL: http://www.diss.fu-berlin.de/diss/receive/

It quickly becomes apparent that the work itself is translated in quite a straightforward fashion. Fischart tries to transpose the meaning of the French text as closely as possible into German, but he also adds additional material that has more or less to do with the original text. These additions mainly serve the purpose of extending the range of the text into the German cultural context whilst, none the less, developing in many instances lives of their own. For example, Fischart frequently uses two or more German words when the meaning of a French expression cannot be expressed directly. This is a plausible strategy to achieve a close translation. However, he seems to indulge this strategy beyond reason when he offers a list of no fewer than 22 synonyms for the terms 'predictions & presages', with which Bodin ends Démonomanie Liii.¹¹

In some places, Fischart's digressions abandon altogether the original argumentative context of the French text. In *Démonomanie* II.i, Bodin lists several names for the seemingly friendly spirits that sorcerers use and tries to make the reader aware that these spirits are dangerous even if their names sound harmless. Fischart here adds several German names ("Wißtruten vnnd Schneeweissen Sybillen/vnd die Mörfinnen") as well as other expressions, thus extending the range of the *Démonomanie* into the German context. Elsewhere, however, he follows other mechanisms of association. Thus, at one point he begins by examining etymological and mythological connections between the terms "Fées", "Faunus", "Venus",

FUDISS_thesis_000000021283); Gerhild Scholz-Williams, "Die Wissenschaft von den Hexen: Jean Bodin und sein Übersetzer Johann Fischart als Dämonologen," in *Knowledge, Science, and Literature in Early Modern Germany*, ed. Gerhild Scholz-Williams, Stephan K. Schindler (Chapel Hill: University of North Carolina Press, 1996), 191–218; Stefan Janson, *Jean Bodin—Johann Fischart. De la démonomanie des sorciers* (1580)—*Vom ausgelaßnen wüttigen Teuffelsheer* (1581) und ihre Fallberichte (Frankfurt: Lang, 1980). Still useful are Hauffen's studies: Adolf Hauffen, "Fischart-Studien III. Der Malleus maleficarum und Bodins Démonomanie," *Euphorion* 4 (1897): 1–16 and 251–262; see also Hauffen, *Johann Fischart*, 2: 206–16.

[&]quot;Et d'autant qu'il y en a plusiers qui s'abusent aux predictions, & prennent le bien pour le mal, il est besoing declarer les predictions & presages": Jean Bodin, De la démonomanie des sorciers (Paris: Jacques du Puys, 1580), fo. 20vo. Fischart's version of this passage is: "Und dieweil kundbar/ daß ihren viel mit den Vorsagungen mißbreuchlich sich einlassen vnnd vergessen/ vnd also das böß für das gut erwischen/ so ist nun folgends vonnöthen/ die Erklärung der Vor vnnd Weißsagungen/ der vordeutungen vnd vormeldungen/ der vorfühlungen vnd vorempfindungen/ der voroffenbarungen vnd vorlosungen/ der vorrhätigkeit vnd Errhatungen/ der vermutungen vnd mutmaßungen/ der Vorspuren vnd Außspürungen/ der vorgemerckten vnd vormerckungen/ der vorkündigungen vnnd vorlundschafften/ der vorwissung vnnd vergwissung/ der voranungen vnd vormanungen jetzumal vorzunemen": Johann Fischart, De magorum daemonomania. Vom Außgelasnen Wütigen Teüffelsheer... (Straßburg: Bernhard Jobin, 1591), 25.

¹² Cf. Bodin, Démonomanie, fos. 51vo-52.

etc, and then embarks upon a rather incoherent excursion over the Venus Mountain in south-west Germany, the black dog of Cornelius Agrippa, and finally the Egyptian Sphinx who gave "the patricidal Oedipus the impetus for his incest", before coming to an abrupt stop.¹³

Another striking example is the very title of the book. Here, Fischart expands the rather short French *De la démonomanie des sorciers* by amassing synonyms. His attention-grabbing version is, in rough translation:

De Daemonomania Magorum. On the unclasped, raving devilish army of the possessed and frenzied witches and witchmasters, blackguards, worshippers of the devil, fortune tellers, necromancers, poisoners [etc.] How they, by juridical means, might be recognised, captured, inhibited, examined, questioned under torture, and punished...Important to know for all jurists, medical scientists, administrative professionals, judges, and persons in authority....¹⁴

One could add many more examples of this kind. However, in focusing upon the reception of Bodin it seems more appropriate to concentrate on alterations of the text which are related to the actual content of the Angevin's work. As already mentioned, Fischart was a determined and in his publication an often aggressive opponent of the Counter-Reformation. It is fundamentally this commitment that underlies most of the changes.

What catch the eye right at the beginning are Fischart's repeated attempts to distance himself from the text he is translating. In the Preface he dedicates his work to the counts of Rappoltstein who ruled over the town of Forbach in the late sixteenth century.¹⁵ He first points out that every scientific discipline is eager to defend its own territory. Therefore, he observes, he hesitated at first to translate the *Démonomanie*, because this might restrict him to jurisprudence, whereas demonological discourse also touches on the fields of theology, philosophy, medicine and natural sciences. Two reasons finally convinced him to start the translation nevertheless. First, jurisprudence is a vital part of demonology, since witches

¹³ Cf. Fischart, *Daemonomania*, 67. For a complete quotation and description of such paradigmatic structures in Fischart's translation see Schüz, *Strategien*, 216–26.

^{14 &}quot;Vom Außgelaßnen// Wüttigen Teuffelsheer der Beses=// senen Vnsinnigen Hexen vnd Hexenmeys=// ster/ Vnholden/ Teuffelsbeschwerer/ Warsager/ // Schwartzkünstler/ Vergiffter/ Nestelverknipffer/ [etc.] Wie sie// vermög der Recht erkant/ eingetrieben/ gehindert/ erkün=// digt/ erforscht/ Perinlich ersucht vnd ge=// strafft sollen sein... den Theologen/ Rechtsgelehr=// ten/ Medicis/ Amptleuten/ Richtern/ Rhäten/ Rhatsper=// sonen/ vnd jeder Oberkeyt nortwendig zuwi=//sen vnd sich darnach zurichten..."

¹⁵ This strategy seems to have been successful, since he was given his position as *Amtmann* in Forbach in 1586, only a few years after the first publication of his translation.

have to be dealt with in court. Secondly, Bodin himself adopted knowledge from other disciplines, but did not challenge exponents' expertise in their own fields, and thus safeguarded their integrity.¹⁶

What is hinted at here becomes more evident in the "Vorwarnung von Lesung und Urtheilung folgender Bücher (the advance warning of reading and judging the following books)", which is placed before the main text in all three German editions.¹⁷ Fischart points out that one ought not to agree with the text too quickly. The main problem seems to be Bodin's "weitschweiffig[e] Ingenia":18 he mixes different ideas and concepts with the result that everyone will find something to his taste, and he takes the liberty to judge according to his own whims (here, Fischart seems to contradict his explanations in the dedicatory preface). Fischart indicates an example in how Bodin deals with Biblical texts: he interprets passages from the Bible according to his own ideas, in accordance with Jewish tradition, in terms of allegorical readings, according to the "Buchstaben" (the literal meaning), and so on. However, the truth can invariably be found to lie somewhere in between. Fischart also mentions several examples where Bodin seems to err. He defends astrological predictions, or he supports ideas of human free will on the basis of Jewish concepts. Another example of his aberrations is his "Jewish" opinion about the four monarchies of world history in his Methodus. His position here had been criticised in public by a "Gelehrter Mann". The allusion is to Matthäus Dresser, himself the author of Isagoges historicae—in a sense, a rival to Bodin's Methodus—who opposed the latter's theories in his inaugural address at the University of Leipzig. 19

Despite all these substantial problems, the *Démonomanie* remains in Fischart's opinion worth reading as it contains important facts and insights. To guide the reader through the maze of true and false judgements, he announces his intention to employ a system of marginal notes and commentaries in brackets to flag or augment dubious passages. And this he proceeds extensively to do.

A striking example of these commentaries can be found in *Dämono-manie* I,ii. This chapter deals with different modes by means of which

¹⁶ Cf. Fischart. Daemonomania, sigs 2-3vo.

¹⁷ Sig. 4 in the 1591 edition. For this foreword see also Schüz, Strategien, 171–5.

^{18 &}quot;Weitschweifig" here should be understood both as "longwinded" and as "wide-ranging".

¹⁹ Cf. Jan Hendrik van der Pot, Sinndeutung und Periodisierung der Geschichte. Eine systematische Übersicht der Theorien und Auffassungen (Leiden: Brill, 1999, first published in 1951), 139.

spirits can contact humans. The text begins by describing the position of humankind in the order of creation more closely, deploying arguments derived from Renaissance Neoplatonism, in particular Giovanni Pico della Mirandola's *Oratio de hominis dignitate*. Humankind is located at the centre of creation, within a vertical hierarchy between the physical and spiritual worlds. In order to define their exact position, humans have to rely on their own free will and either degenerate in the direction of animals or evolve in the direction of angels. To support this point, Bodin refers to Jewish traditions: "Moses Maimonides says that all the Hebrews agree that man has free will".20 The German translation seems to have little difficulty in accepting the Neoplatonic implications. But problems do arise when the concept of free will is adduced, this being a principal bone of contention in Luther's doctrines. Although Bodin avoids quoting Catholic sources, the German text adds Protestant ideas. In a long passage, Fischart advises the reader to be careful with the idea of free will, quoting Protestant commonplaces:

How can a fallen human rise by himself, or how could he make right and good decisions when he is necessarily evil from the root? How could he tell right from wrong if he no longer shows traces of the first and early justice? And how can a dead creature, far from life, judge life itself? In short, man has to be reborn through faith and the mercy of God as the mirror image of God in order to be able to obtain free will.²¹

While this commentary contradicts the text severely, it also shows Fischart's strategy in dealing with questionable passages. Such passages are translated in the same way as the complete text, but are highlighted and commented on, often from a Protestant perspective.

One of the distinctive characteristics of Bodin's *Démonomanie* in the company of sixteenth-century demonological writings is its author's frequent recourse to Jewish sources. Protestantism was far from a philosemitic school of thought, and so the question arises how Fischart's

 $^{^{20}\,}$ "Moyse Maymon dict, que tous les Hebrieux sont d'accord, que l'homme a le franc arbitre" (Bodin, $D\acute{e}monomanie$, fo. 8vo).

^{21 &}quot;...wie kan der gefallen Mensch sich von sich selber auffrichten/ was soll der guts wehlen/ dessen dichten/ trachten vnnd gelüst böß ist/...wie kan diser erkennen/ was gerecht ist/ der da mangelt der vrsprünglichen angeschaffnen gerechtigkeit/...wie kann der Tod/ oder der entfrembdt ist vom Leben vrtheilen vom Leben/...Kurtzumb der Mensch muß durch den Glauben auß gnaden mit dem Heiligen Gest erschaffen sein/ vnd zum bild Gottes verkläret vnd wider/ geboren/ vnnd also klug werden": Fischart, *Daemonomania*, 9 sq.

translation deals with these materials—in particular, with Bodin's preference for the Cabala.

The translation seems to accept these aspects, but Fischart scrutinises them closely, especially when dealing with interpretations of biblical texts. For example, Bodin interprets the command of the Egyptian Pharaoh to kill all male offspring of the Jewish people as a metaphor for how the devil, signified by the Pharaoh, tries to annihilate the human intellect, signified by the male offspring, while sparing the female which signifies concupiscence, the animalistic aspect of the human soul.²² Fischart here remarks in a marginal note that this would be a cabalistic interpretation of the murdered children in Egypt, and offers an alternative interpretation: "Other people believe that this story signifies the killing of the new born by Herod in the New Testament".²³

Fischart clearly does not share Bodin's interest in Judaism. Yet, straightforward examples of anti-Semitism, such as Fischart's rendering of Bodin's neutral formulation of Jews and "leur religion"²⁴ as "*Jüdische[r] Aberglauben* (Jewish superstition)",²⁵ are very rare in the German translation. He does, however, comment consistently on passages which contradict Protestant doctrines. In *Démonomanie* II.ii Bodin points out that humankind was created by angels, and refers, as often in the text, to Philo of Alexandria.²⁶ Fischart challenges this idea precisely on the grounds that it "*judentzet* (relies on Jewish traditions)". In his view, the grammatical plural formulation in *Genesis* i.26, "Lasset uns Menschen machen (Let us make man)", refers not to God and angels (as the Jewish interpretation would have it), but to the Trinity of Father, Son and Holy Spirit. Bodin here seems to adopt Judaistic arguments which, according to Fischart, are continually oriented towards contradicting Christian doctrines.²⁷

But while anti-Semitic tendencies can be found in the text, it becomes evident that this is not intended to be the German translation's main argumentative aim. ²⁸ What seems to underlie Fischart's singling out of

²² Cf. Bodin, *Démonomanie*, fo. 65vo.

²³ "Cabalische Außlegung der Gemördten Knäblein inn Egypten." and "Andere haltens für ein bedeutnuß deren vom Herode gemördten vnschuldigen Kindlein.": Fischart, *Daemonomanie*, 84. In fact, Bodin refers explicitly at the same juncture to "cabalistic theologians" in relation to Abraham and Hagar, the maidservant of his wife, Sara (*Genesis* xvi.4).

²⁴ Bodin, *Démonomanie*, fo. 161.

²⁵ Fischart, Daemonomania, 165.

²⁶ Bodin, *Démonomanie*, fo. 7vo.

²⁷ Fischart, Daemonomania, 9.

²⁸ Such anti-Semitic remarks are more prominent in later texts reworking this material, for example in Stumpf or Albrecht: see sections 2 and 3 of this paper.

such passages as these for comment is his inability to follow Bodin's wideranging presentation of data, rather than an urge on his part to agitate against Jews. The French version moves freely between different sectors of knowledge and uses facts and arguments regardless of religious or confessional implications, since the vice of demonology is a topic beyond all such distinctions. They come into play when the work is translated into German and thereby placed in another cultural context. Especially in the case of Fischart, that context is resonant with the confessional and counter-reformational quarrels of the late sixteenth century.

The German text thus marks, to borrow an expression from Peter Burke, ideas which have become "out of place"²⁹ in the process of translation, but not eliminated.

Another aspect warranting mention here is the question of how reception can be shaped. As has already been observed, the German *Dämonomanie* employs specific means to facilitate the reading of the text. Its long publication history would seem to show it to have succeeded in reaching a sizeable readership.

Fischart's instrument of choice to ease the reader's path is the marginal note. Bodin uses about 700 marginalia, mainly to identify his sources or to present technical terms. In the German translation we encounter a system of approximately 2100 marginal notes. These accompany the argumentation, comment on it, and point out relevant demonologic *topoi* by repeating important passages from the text. Thereby they facilitate access to the collected data. But they also resemble a dialogue between the reader and the text. As Heather Jackson has remarked, marginal notes, especially when they contradict the text, signify a struggle for authority over the text.³⁰

Since there is an explicit warning about the reading of the books at the beginning of the translation, the marginalia can also be construed as illustrations of how the text ought to be read.³¹ Products of Fischart's own reading processes, they guide the reader, draw his attention to dubious or important passages, and keep him from getting lost in the text. The German *Dämonomanie* is trying hard not to be misunderstood.

²⁹ Cf. above, p. 35.

³⁰ Heather Jackson, *Marginalia: Readers Writing in Books* (New Haven/ London: Yale University Press, 2001), 51 sq.

³¹ This idea is borrowed from Wolfgang Neuber, "Topik als Lektüremodell. Zur frühneuzeitlichen Praxis der Texterschließung durch Marginalien—am Beispiel von Hans Stadens *Wahrhaftiger Historia,*" in *Topik und Rhetorik: ein interdisziplinäres Symposium*, ed. Thomas Schirren and Gerd Ueding (Tübingen: Niemeyer, 2000), 253–278.

Perhaps less intrusive is the system of paragraphs which Fischart introduces. At a rudimentary level they support the reading process by breaking up the text into smaller chunks which most of the time mark different steps in argumentation. At a more complex level, they are a sign that the text is being re-shaped: an exercise in materialization of language, with the text perceived as a palpable object in space. Such a process has been termed the "spacialization if language".³²

It is not my intention here to claim for the translation a more 'modern' character than the original in relation to the evolution of printing. Rather, I wish to suggest that the Fischart of the German *Dämonomanie* is highly aware of complex modes of reading and endeavours, by every means available to him, to influence and to control the work's reception. This is hardly surprising, since the translation itself is in a very real and distinctive sense the product of a specific reading process.³³

As Peter Burke puts it,³⁴ a translated text necessarily becomes a "hybrid product", bearing the marks of two cultures. This is even more the case with the German *Dämonomanie*. Not only does it transpose the French text into a German context, but it also and continually comments on itself and thus upon its own process of translation. The narrative itself becomes hybrid, persistently alternating between a narrative and a metanarrative level. Even so, the reader is not simply the pawn of postmodern contingencies. In the German *Dämonomanie*, first and foremost a translated text, these layers of narrative and metanarrative can be kept apart. Throughout the entire *oeuvre*, Fischart endeavours to distinguish between his opinions, manifested in the numerous additions, marginal notes, etc., and the statements that occur in the text itself.

And yet, the picture becomes blurred: for the fact is that not all the components of the German version can be traced back to the French source. The *Dämonomanie* has therefore to be recognized as a text on its own, with its own history of reception that exists independently of the French version.

³² Martin Elsky, *Authorizing Words. Speech, Writing, and Print in the English Renaissance* (Ithaca/London: Cornell University Press, 1989), 121 sq.

³³ For a more detailed discussion of these topics see Schüz, *Strategien*, 153–165 and 226–232.

³⁴ Above, p. 34.

2. David Stumpf: Einfältige Erklärung

In the *Bibliographie critique des éditions anciennes de Jean Bodin*, David Stumpf's *Einfältige Erklärung* (1620) is mentioned as a possible further German edition of Bodin's *Démonomanie*.³⁵

The text is not in fact a complete translation. What it presents is as stated in the book's title: a basic explanation of magic and witchcraft using Bodin's text as the theoretical underpinning.³⁶ Nevertheless, it is the only German monographical adaptation of the *Démonomanie* apart from Fischart's translation, and so it seems appropriate to include it in this study.

According to the VD 17,³⁷ David Stumpf was a protestant preacher who worked in the early seventeenth century in several towns in Hesse.³⁸ It lists two more treatises of his, both from the year 1606, which are concerned with biblical topics.³⁹ At the time when the *Erklärung* was published, Stumpf was preacher in the town of Nieder-Ramstadt (south-west of Darmstadt in Hesse). The text seems to have had only a small circulation; apart from two copies in the libraries of Coburg and Erlangen listed

³⁵ Roland Crahay et al., Bibliographie critique des éditions anciennes de Jean Bodin (Gembloux: Académie royale de Belgique, 1992), 276 sqq.

³⁶ M. David Stumpf, Einfältige Erklärung/der fürnembsten Zaubergrewel/welche auß deß berühmbten Rechtsgelehrten Johannis Bodini Daemonomania, mehrerteyls gezogen seyn... (Frankfurt: Egenolff Emmeln, 1620); roughly translated, Simple explanation of the most prominent atrocities of magic, based mainly on the Daemonomania of Jean Bodin, the famous scholar of law. Since Stumpf's is not a complete translation, it is omitted from Couzinet's bibliography: Marie-Dominique Couzinet, Jean Bodin. Bibliographie des ecrivains français 23 (Paris: Memini, 2001). The editions of Fischart's translation are listed there (no. 77).

³⁷ Apart from that, little information is available about Stumpf's life. According to Strieder, he graduated from Marburg University in 1593 and married in 1597. As Stumpf himself mentions in the foreword of the text, he worked as a preacher in the towns of Gemünden and Haina before coming to Nieder-Ramstadt. See Friedrich Wilhelm Strieder, Grundlage zu einer Hessischen Gelehrten- und Schriftstellergeschichte. Seit der Reformation bis auf gegenwärtige Zeiten, 21 Bde (Göttingen, Barmeiersche Buchdruckerei, 1781–1868), 4 (1784): 449.

³⁸ He is listed under number 11538135X in the VD 17-database, URL: http://gso.gbv.de/DB=1.28/PPNSET?PPN=004191439 (accessed January 10 2012).

³⁹ Firstly, the Betrachtung/ Über die Prophezey deß Patriarchen Jacobs.... (Marburg: Rudolf Hutwelcker, 1606) [Consideration of the prophecy of the patriarch Jacob]; and, secondly, the Erklärung/ Der drey Ersten und fürnembsten Hauptpuncten/ von Messia der Welt Heylandt... (Marburg: Rudolf Hutwelcker, 1606). The second text is interesting, since it mentions explicitly on the title page that the text is directed "against the Jews and other heretics (wider die Jüden vnd andere Haereticos)", which corresponds to the kind of anti-Semitic tendencies apparent in the Erklärung.

in the *Bibliographie critique* by Crahay and his team, no further copies have been located.

Stumpf describes in the foreword how he got his hands on a copy of the *Démonomanie* and how his friends asked him to write a treatise on this book.⁴⁰ This is, of course, a typical gesture of *captatio benevolentiae*, but it shows also how highly the *Démonomanie* was valued in the seventeenth century as a manual on witchcraft, even if the text was too much for most people to cope with; and how famous the text must have become when even laymen had heard of it.

In its 200 pages, the Erklärung covers most of the thematic fields of the Démonomanie whilst omitting all more detailed and complicated discussions and descriptions. Like the Démonomanie, it is divided into four books. However, Stumpf chooses a different sequence of topics. The text begins with a description of witchcraft in the first book. The juridical definition with which Bodin opens the French text does not appear here until Chapter Nine. In his third chapter, 41 Stumpf does formulate a definition of sorcery which locates it in the general field of knowledge. Whereas magia caelestis (being theology) and magia naturalis (being the philosophia humana in general) involve no danger, the third category, magia *incantatrix*, is perilous and against the will of God. The other chapters are concerned with broader questions: for example, whether witchcraft is real (I.i), the history and tradition of witchcraft (I.ii) and so on. In contrast to Bodin, who begins the *Démonomanie* in his accustomed fashion with a precise definition juridical in tenor and then proceeds to work his way into details,42 Stumpf begins without assuming any prior knowledge on the part of his readers.

Book II deals with modes of persuasion which the devil employs. In II.iii, "Einrede vnd Antwort auff der Jüden Cabala (Objection and answer to the cabala of the Jews)", Stumpf gives a much-abbreviated version of Bodin's account of the Cabala. Book III describes several aspects of the pact with the devil in more detail: for instance, the signum diaboli (III.ii), or the various rituals at the meetings of witches (cf. III.iii). In all these books Stumpf quotes frequently from the Démonomanie and makes use of the example stories provided there. The last and most extensive book

⁴⁰ Cf. Stumpf, Erklärung, 14 sq.

^{41 &}quot;Was Zauberey sey": cf. pp. 31 sq.

⁴² Bodin thus follows roughly Ramus's ideas of "Method"; cf Dominique Couzinet's discussion, above pp. 58–60. See also Ursula Lange, *Untersuchungen zu Bodins Demonomanie*. (Frankfurt: Vittorio Klostermann, 1970), 34; and Schüz, *Strategien*, 101–6.

contains means which might or might not offer protection against malign sorcery. Like Bodin, Stumpf explicitly warns against the use of witchcraft as protection. The work ends with a hymn bearing the letters of the name "David Stumpfius" as an acrostic at the beginning of each stanza.

As the *Erklärung* is a very simplified adaptation of the *Démonomanie*, it is difficult to distinguish between textual differences resulting from the cutting-down of the original, and differences generated through the reception of the text into a different cultural context. Certain differences are signalled explicitly. First of all, it is evident throughout the text that Stumpf is no jurist. He announces in the preface that he will focus on the theological principles in the *Démonomanie* and that he does not feel necessarily bound by Bodin's "Methodus" or the latter's opinions. 43 Tension between theology and jurisprudence can be discerned when Stumpf betrays discomfort at being faced with Bodin's strictness and severity towards the objects of his attention. In IV.iv, Stumpf deals with the question how children or mentally disabled people might be punished when they are found guilty of sorcery. Bodin's position here is clear: since the devil tries to influence people from a very young age, children have to be punished in the same way as adults when they are convicted of their crimes. The only reduction of the punishment is to postpone burning until they have been suffocated or strangled, as is the case with women who repent their crimes. In other cases there is no alternative to burning them alive.⁴⁴ In his adaptation Stumpf gives a brief account of Bodin's position, but cuts it short by pointing out that readers have to look this topic up in Bodin, since it is not his profession to treat these topics.⁴⁵

This passage shows an understandable feeling of unease. It also illustrates the strong emphasis on pastoral care that sets the *Erklärung* apart from the *Démonomanie*. Stumpf not only gives an account of Bodin's opinions, he also tries to influence the behaviour of the audience. Although the *Erklärung* like the *Démonomanie* does not excuse the crime of witchcraft, Stumpf constantly points out that witches deserve some pity since they have fallen prey to the lures of the devil and therefore have to

 $^{^{43}}$ Cf. Stumpf, *Erklärung*, 16. The expression "Methodus" here seems to refer to the general method of presenting knowledge and developing an argumentation rather than to Bodin's *Methodus*.

^{44 &}quot;... auquel cas la peine du feu doibt estre ostee, iusques à ce quelle qui c'est repentie, soit suffoquee ou estranglee: Mais quiconques persistera en la paction qu'il a auec le Diable sans aucune repentance, comme font la plus part, il faut proceder à la peine du feu": Bodin, *Démonomanie*, fo. 213.

⁴⁵ "Meiner Profession ist nicht gemäß darvon zuhandeln": Stumpf, Erklärung, 135.

suffer from his cruelties as well. In Book III he deconstructs the myth that sorcerers and witches profit from their pact with the devil, and presents in a chapter of his own an elaborate list of examples of how the devil tortures his people if they have failed to fulfil their side of the contract.⁴⁶ In the *Démonomanie*, these aspects earn relatively brief mention in company with accounts of rituals at witches' meetings (II.iv). Further, Stumpf points out that, from a theological perspective, there is always hope for those who repent of their sins. In IV.xviii, he presents an elaborate collection of example stories about people granted mercy by God despite their having been sinners.

Stumpf's list explicitly mentions Jews, in terms that warrant attention. They had killed the Son of God, blasphemed against him and prosecuted his followers cruelly—and yet, St Peter had urged them to repent of their sins and had promised them the mercy of God.⁴⁷ As already noted in respect of Fischart's translation, the reception of the *Démonomanie* into a Protestant context seems to foster inclusion of anti-Semitic observations. And indeed it seems evident that Stumpf used Fischart's translation of the *Démonomanie* rather than the French text. His language often echoes Fischart's formulations, and he narrates several example stories which Fischart had added to the text.⁴⁸

⁴⁶ Cf. Stumpf, Erklärung, Bk. III, cap. v: 120-7.

⁴⁷ "Die Juden haben Gottes eigen Sohn zu todt geschlagen/ vnnd noch darzu auffs höchst gelästert/ vnd in seinen glaubigen Gliedmassen grausamlich verfolget/ gleichwol vermahnet sie S. Peter zur Buß/ vnd vertröstet sie auff Gottes Gnad. Act. 3 das ist je ein grosses gewesen.": Stumpf, *Erklärung*, IV, xviii: 180. The passage in the Bible Stumpf refers to is *Acts* iii. 12–26. In an earlier chapter (IV, xvi: 168), Stumpf had already mentioned the unwillingness of the Jews to recognize Christ as their saviour as a sin against the Holy Ghost and the church.

⁴⁸ For example, Fischart's rather gruesome extension to Bodin's account of a pie baker from Paris who used the meat of dead convicts and was therefore executed (cf. Bodin, *Démonomanie*, fos. 199 sq.; and Fischart, *Daemonomania*, 238) can be found on p. 41: Fischart (and with him Stumpf) condemned the use of human meat in medicine in the form of *Mumia*, because dead things could not have powers for living people. Furthermore, it was a sign of barbarism, as could be seen in several examples of cannibalism during the riots of St Bartholomew's Day in France (cf. Schüz, *Strategien*, 188–193). Stumpf also uses Fischart's expression "Reichstag" for the meetings of the witches and quotes the "Kilkropf" (Stumpf, *Erklärung*, III, ii: 114), an example story for a changeling which Fischart most likely had copied from Luther: cf. Schüz, *Strategien*, 212–16.

3. Excursus: Bernhard Albrecht, Magia

Bernhard Albrecht's $Magia~(1628)^{49}$ is an independent treatise and not a translation of the $D\acute{e}monomanie$, but it makes frequent use of the latter, especially its example stories. It is a striking instance of how religious and especially confessional factors informed the reception of Bodin's $D\acute{e}monomanie$ in the German vernacular in the seventeenth century.⁵⁰

Bernhard Albrecht (1569-1636) was a protestant preacher based most of his life in Augsburg. He published a number of religious treatises and sermons. The Magia is his only text which deals exclusively with demonology.⁵¹

At the beginning of the text, Albrecht gives a list of the sources he had used in writing the book. Here he includes the French as well as the German version of the *Démonomanie* together with a number of other demonological treatises and other texts: for example Martin Luther's *Tischreden.*⁵² The *Magia* is steeped in a radical antagonism towards Catholicism as well as more or less any religious strand (including for example Calvinism) deemed unacceptable to the orthodox followers of Luther. Albrecht's basic line of argument is that there is a succession and tradition of heretical and demonological ideas and rituals which the Catholics had inherited from the Jews, the Jews from the ancient heathens, and finally these heathens from Satan himself.⁵³ Therefore, a Protestant Christ is confronted by an old "*Sauerteig* (sourdough)" of ideas of the Papists, Jews and heathens.⁵⁴

A reading of the *Magia* suggests that Albrecht's aims are very different from those of Bodin. Although the former offers an erudite and elaborate

⁴⁹ Bernhard Albrecht, *Magia, Das ist: Christlicher Bericht von der Zauberey vnd Hexerey ins gemein/vnd dero zwölfferley Sorten vnd Arten insonderheit....* (Augsburg: Johann Mintzel, 1628); roughly translated, "Magia. i.e.: A Christian report of sorcery and witchcraft in general, and of its twelve different sorts in detail".

⁵⁰ Cf. Schüz, Strategien, 214–216.

⁵¹ Cf. Katrin Moeller, "Albrecht, Bernhard," in: *Lexikon zur Geschichte der Hexenverfolgung*, ed. Gudrun Gersmann, Katrin Moeller, Jürgen-Michael Schmidt, URL: http://www.historicum.net/no_cache/persistent/artikel/5648/ (accessed January 10, 2012).

⁵² Cf. Albrecht, Magia, 6.

⁵³ "Aber das haben Evangelische Christen zu bedencken/ daß mehrgedachtes aberglaubisches Wesen ein alter Sawerteig ist des Bapsthumbs/ darinnen allerley Aberglauben/ Alfantzerey/ Teuffelsgespenst/ Zauberey/ Segensprecherey im Schwang gangen vnd getrieben worden/ deren einen guten theil sie von den Jüden empfangen/ die Jüden von den Heyden/ die Heyden aber vom Teuffel vnd seinem eingeben": Albrecht, *Magia.*, 138.

⁵⁴ "Hütet euch für dem alten Sawerteig der Papisten/ Jüden vnd Heyden": Albrecht, *Magia*, 138.

description of witchcraft, he seems intent in his treatise upon using the idea of sorcery as a polemical weapon, specifically against Catholicism, but also against almost anything else that stands in the way of religious truth as he conceives of it, including Judaism. Nevertheless, he quotes from the *Démonomanie* passages in which Bodin explicitly strives to avoid anti-Semitic tendencies. In *Démonomanie* II.iv, Bodin gives a close description of the way witches dance at their meetings. While dancing, some witches cry out "*Sabath*, *Sabath*". Bodin explains this exclamation in terms of the Sabbath's being meant to be a day for rest and reconciliation, whereas witches use this expression to ridicule the law of God.⁵⁵

Although use of the expression "Sabbath" in witches' rituals might have prompted an anti-Semitic interpretation, Bodin leaves out this aspect and construes the expression in terms directed solely against witches. Interestingly enough, while giving an account of this passage in the *Démonomanie*, Albrecht lets the opportunity of a barbed remark against Judaism slip completely and quotes Bodin's explanation without any further comment. As it is the case with Fischart, who quotes this passage on p. 110 of his translation, the authority of Bodin seems to take precedence over possibilities for anti-Semitic readings of these expressions. However, that authority is far from sufficient to ensure that other texts deriving from the *Démonomanie* emulate the Angevin's accommodating stance *vis-à-vis* religion.

4. The Edition of 1698

In 1698, almost thirty years after the edition of the *Malleus* on which Fischart had worked ran out of print, there appeared one last edition of the *Dämonomanie*, now solely under the name of Bodin and in a slightly modernized language, leaving out the paratexts of the edition of 1591.⁵⁷ Published by Thomas von Wiering of Hamburg, the book is described, rather

 $^{^{55}}$ "Et les autres disoient Sabath, Sabath, c'est à dire, la feste & iour de repos": Bodin, $D\'{e}monomanie$, fo. 88.

⁵⁶ "Etliche aber ruffen/ Sabbath Sabbath/ welches so viel heißt/ als ein Ruhe oder Feyertag: Heben darbey die Hende und Besem [!] in die höhe/ zur anzeigung iher grossen frewd/ vnd daß sie willig vnd geneigt seyn/ dem Teuffel zu dienen/ ihn zu ehren vnd anzubeten"; roughly translated, "Some of them shout "Sabbath, Sabbath", which means a day of rest, put their hands and brooms in the air to show their great joy and to show that they are willing to serve and worship the devil": Albrecht, *Magia*, 196.

⁵⁷ Des weyland Hochgelehrten Johannis Bodini, der Rechten Doctoris und Beysitzers im Frantzösischen Parlament Daemonomania . . . (Hamburg: Thomas von Wiering, 1698).

misleadingly, as the second tome of Nicholas Rémy's *Daemonolatria*,⁵⁸ which Wiering had previously reprinted in 1693.⁵⁹ This may well have been because this edition of the *Démonomanie* is combined with a rather crude collection of demonological horror stories in two books which, very likely had been added to the *Daemonolatria* previously. So the *Démonomanie* now appears as just another collection of exciting and entertaining example stories.⁶⁰

However, this edition was intended for more than mere entertainment. In the foreword to the second volume Wiering explains that the edition is meant to prove the existence of the devil and of sorcery in order to keep people from believing that such narrations are mere fantasy to scare simple people. What prompted its appearance was a cultural change in perceptions of witchcraft.

When Bodin first published the *Démonomanie*, it was directed against Johann Weyer's sceptical view of witchcraft.⁶² During the second half of the seventeenth century, belief in witches declined. Before Christian Thomasius came on the scene with *De crimen magicae* in 1701, demonology had already suffered a savage blow when Balthasar Bekker published in 1691 his *Betoverde Wereld* (Enchanted World), which was translated from Dutch into German and published by Härtel in Hamburg in 1693.⁶³

⁵⁸ Nicholas Rémy (born between 1525 and 1530, died in 1612) was a French jurist. In his *Daemonolatria* (first published in 1592), he offers details from witch trials he witnessed during his employment at the court in Nancy. The book itself had a broad reception and was translated into Latin and German only a few years after its first publication. See Elisabeth Biesel," Rémy, Nicolas," in *Lexikon zur Geschichte der Hexenverfolgung*, ed. Gudrun Gersmann, Katrin Moeller and Jürgen-Michael Schmidt. URL: http://www.historicum.net/no_cache/persistent/artikel/1670/ [1 April 2012].

⁵⁹ The VD 17 lists a quite significant number of texts which Wiering published. Most of them are collections of sensational stories or accounts of miracles, so this edition of the *Dämonomanie* fits into a broader programme. Apart from that, Wiering is mainly known as a publisher of early periodicals and broadsheets: see Holger Böning, "Weltaneignung durch ein neues Publikum," in *Kommunikation und Medien in der frühen Neuzeit*, ed. Johannes Burkhardt and Christine Werkstetter (München: Oldenbourg, 2005), 118.

⁶⁰ Cf. for details of this edition Schüz, Strategien, 247-51.

^{61 &}quot;... damit ja keiner in solche Gedancken fallen und verharren möge/ es sey kein Teuffel; und alles/ was davon gesagt und beschrieben/ nur lauter Phantasey und Fabel=Grillen seyen/ die Einfältigen damit zu erschrecken.": Anderer Theil: Oder Anhang Johannis Bodinis Daemonomaniae..., sig. 6vo.

⁶² For more recent publications on these aspects see Gerhild Scholz-Williams, *Defining Dominion. The Discourses of Magic and Witchcraft in Early Modern France* (Ann Arbor: University of Michigan Press: 1995) and Rebecca Wilkin, *Women, Imagination and the Search for Truth in Early Modern France* (Aldershot: Ashgate, 2008).

⁶³ See Wiep van Bunge, Introduction to *Balthasar Bekker. Die bezauberte Welt (1693)*, ed. Wiep van Bunge, 7–78 (Bad Canstatt: frommann-holzboog, 1997), 8 and 43.

In this text, Bekker argues that there is no such crime as witchcraft, that the supposed experiences of sorcery are merely based on prejudice, and that, above all, the well-known example stories drawn from demonological literature cannot be true.

The question whether Wiering opposed this view on the basis of his own beliefs, or simply because Bekker's text endangered the market for his demonological publications, has to be left open. However, the *Démonomanie* was the weapon of choice to foster belief in witchcraft, originally written as it had been against sceptical attitudes more than a century before. At the same time, this reprint clearly exposed the crisis of demonology at the turn of the century. It was no longer possible to write a new demonological treatise to pick up the gauntlet which Bekker had thrown down, so the reprint of the older *Démonomanie* with its anti-sceptic stance had to serve. Yet, this reprint was from the outset combined with a collection of entertaining sensational stories, and so its appearance marked a further step in the decline of the demonological system, a decline that Bekker had already foreseen. Carrying no longer the weight they bore in Bodin's hands as example stories to reinforce argumentation to prove the existence of witches, they persisted largely as entertainment.⁶⁴

5. Conclusion

The reception of Bodin's *Démonomanie* in the German vernacular was dominated and determined by Johann Fischart's translation. In the seventeenth century his German version remained the authoritative edition of the text, so that Stumpf, for example, saw no need to point out that for his work he had used a translation and not the French original. The three editions that had already been published in the sixteenth century seem to have saturated the market. No other German translation has been published until the present time.⁶⁵

⁶⁴ This implies that the decline of demonology had gone already several steps further than in the miracle books of Johann Praetorius (1630–1680), where the existence of witches and the influence of the supernatural already was an ambiguous topic. Cf. Gerhild Scholz Williams. *Ways of Knowing in Early Modern Germany. Johann Praetorius as a Witness to his Time* (Aldershot/ Burlington: Ashgate, 2006), 67–110.

⁶⁵ However, there are now new editions of Fischart's translation. In 1973 the Akademische Druck- und Verlagsanstalt Graz published a reprint of Fischart's 1591 edition (long since out of print, but still obtainable second-hand); and the second edition of 1586 was reprinted by the publisher Fines Mundi in Saarbrücken in 2008.

What Fischart offered, however, was not a dispassionate translation of the text, but a heavily augmented and commented version. In the German vernacular reception of the *Démonomanie*, the reader was actually faced with Fischart wearing the mask of Bodin, whether he was aware of it (as, for instance, was Albrecht who points out that he used the German and the French version) or not (as in the cases of Stumpf or Wiering). This is ironic in so far as Fischart had tried hard to remain visible in his translation by signalling his additions and alterations on the body of the text rather than as appendices or addenda. No doubt he hoped to keep a measurable and safe distance between himself and the somewhat dubious Bodin, given especially the latter's uncertain religious stance.

Although Fischart adhered quite closely to the text, the content of the *Démonomanie* was in effect altered and augmented considerably as soon as religious topics were involved. Here, Bodin's expansive religious position was completely obscured by the zealous protestant Fischart. As was the case with Stumpf's and Albrecht's texts, this led to an uncomplicated reception of the *Démonomanie* in contexts altogether incompatible with Bodin's original standpoint—in particular, in respect of anti-Semitic contents or confessional polemics. Such alterations to the text may well have been one of the reasons for its wide reception in the seventeenth century, where a considerable number of demonologies had already had been translated into German. The German *Démonomanie*, while retaining Bodin's wide-ranging *inventio* of facts and argumentative connections, was relatively free of confessional associations and therefore exploitable in different contexts.

CHAPTER ELEVEN

MAKING THE CANON? THE EARLY RECEPTION OF THE *RÉPUBLIQUE* IN CASTILIAN POLITICAL THOUGHT

Harald E. Braun

On Friday, 10 November 1606, Girolamo de Sommaia, a young Florentine patrician, went to see his confessor at the church of San Lorenzo in Salamanca. The scion of a family prominent in Medici politics, Sommaia had arrived in Salamanca six years earlier to study the laws and to immerse himself in the culture and political networks of the Hispanic monarchy.¹ Possessor of a curious intelligence and a voracious reader with a passion for history, politics, and theology, he exchanged and discussed books with a wide circle of teachers and fellow students. In his *diario*, the young man recorded not only lectures, tutorials and social gatherings, debts paid, books read, but also transgressions of flesh and mind. As is plain from the pithy list of sins laid open to Fray Lamberto that November day, his *joie de vivre* was not easily suppressed, nor his lively intellect easily deterred:

Twenty-one fornications. Kisses. Bodin. Machiavelli. Writings on the Venetian Interdict. Studies Neglected. Superfluous expenses. Gambling.²

¹ Sommaia was the grandson of Francesco Guicciardini (1483–1540), the diplomat, historian, and political writer, and nephew of Francesco di Agnolo Guicciardini, Medici ambassador at the Madrid court from 1593 to 1602. On his family, education and career, see George Haley, ed., *Diario de un estudiante de Salamanca. La crónica inédita de Girolamo de Sommaia* (Salamanca: Ediciones Universidad de Salamanca, 1977), 7–87; also Richard Kagan, "La Salamanca del Siglo de Oro: El extracurriculum y el declive español", in *Salamanca en la Edad de Oro*, ed. Conrad Kent (Salamanca: Editorial Cervantes, 1995), 287–305.

 $^{^2}$ *Diario*, 568: "Uentiuna fornicatione. Baci. Il Bodino. Il Machiabello. Le scritture di Benetia. Dello studio. Spese superflue. Del giuoco." I retain the original spelling and punctuation of primary sources.

Sommaia, then, read and compared highly controversial texts—Bodin's *République*,³ Machiavelli's *Il principe*, together with texts concerning the papal interdict recently imposed on *La Serenissima*⁴—and recorded them in his diary. What is more, he did so in a cursory fashion, throwing his intellectual transgressions in with other trespasses. There is no indication whatsoever that he suffered a heavy penitential load as a result, or else attracted the attention of the Spanish Inquisition. Sommaia simply availed himself of the opportunity to widen his intellectual horizon while at university. Together with teachers and fellow students, he read and digested the *République* as a major contribution to fecund debate about the nature, scope and interrelationship of secular and spiritual power and the best methods of governance. Their experience identifies the *République* as part of the informal syllabus for budding imperial leaders and bureaucrats who spent their formative years at the University of Salamanca.⁵

Sommaia's diario is but a small part of the evidence confirming the presence of Bodin's major political treatise in Castilian political debate and discourse during the later sixteenth and early seventeenth century. There is an abundance of direct and covert quotations, paraphrases, and references in leading early modern Castilian authors of different intellectual and political persuasions. Among the host of writers engaging with the *République* at a critical and analytical level are leading jurisprudents such as Jerónimo Castillo de Bobadilla and Juan de Solórzano Pereira, *arbitristas* such as Gonzalez de Cellorigo (writers concerned with the political and especially economic reform of the monarchy) and authors of political manuals such as Jerónimo de Ceballos and Diego Tovar y Valderrama, as well as prominent theologians such as Juan de Mariana and Juan Márquez.⁶ Bodin's Spanish readers generally acknowledge the

³ All references to the *Six livres de la république* in this chapter are to the edition of 1576 published in Paris by Jacques du Puys.

⁴ The context—Bodin, Machiavelli, and works on the Venetian interdict are mentioned together—as well as Sommaia's interests and reading habits more generally suggest an edition of the *Six livres de la république* as the text referred to in his confession. He could have read it in Latin, Italian, or Spanish.

⁵ Cf. English interest in political writings as observed by Gabriel Harvey (above, p. 2).

⁶ For a summary treatment of early modern Spanish and Portuguese authors drawing on the Bodinian *oeuvre*, see Martím de Albuquerque, *Jean Bodin na Peninsula Ibérica:* ensaio de história des ideias políticas e de disseito public (Paris: Foundation Calouste Gulbenkian, 1978); and José Luis Bermejo Cabrera, "Estudio preliminar", in: Juan Bodino, *Los seis libros de la república. Traducidos de lengua francesa y enmendados catholicamente por Gaspar de Añastro Isunza*, ed. Bermejo Cabrera (Madrid: Centro de Estudios Constitucionales, 1992), 103–33.

controversial nature as well as the intellectual and political value of his terminology, concepts and arguments. Even some of his most overtly hostile critics, including 'calificadores' (assessors providing the inquisition with theological expertise) serving the Spanish Inquisition, allow for cautious appreciation of select components of Bodinian thought.

Scholars have long noted this presence of the *République* in Castilian political discourse, yet it still remains something of a conundrum. There is no doubt that the work was widely read, cited and paraphrased throughout the later sixteenth and seventeenth centuries, yet it is nevertheless said to have failed to leave its mark in doctrinal or ideological terms.⁷ If indeed this is the case, it is even more enticing to ask why lawyers and theologians, magistrates and royal counsellors kept returning and referring to the *République* throughout the period.

The notion that Bodin did not 'influence' Castilian political thinking despite having enjoyed a wide readership appears rooted in three related perspectives.⁸ The first holds that the publication and translation of the *République* came too late to exert any "real doctrinal influence".⁹ The underlying assumption is that "the long, multi-secular process, by which justice came to be taken over by the [Castilian] public realm and the public realm came to be taken over by the law"¹⁰ had effectively been "completed" by the 1590s. Undoubtedly, the Crown of Castile had by then managed to assert and put into practice many of the doctrines defining the "fullness" of royal power already contained in Roman and medieval Spanish law. This process of 'juridification' of public realm and royal power, however,

⁷ What follows is a necessarily condensed and hence to some degree simplifying account of a sophisticated literature dealing with a set of related and complex debates. On the state of research see the helpful remarks and further literature in Xavier Gil Pujol, "Spain and Portugal", in *European Political Thought*, 1450–1700, ed. Howell A. Lloyd, Glenn Burgess, Simon Hodson (New Haven and London: Yale University Press, 2007), 416–57, especially 434–36; also the brief summary in Francisco Javier López de Goicoechea, "Juan Márquez (1565–1621) y la recepción de Jean Bodin en España", in *Filosofía Hispánica y diálogo intercultural*, ed. Roberto Albares Albares, Antonio Heredia Soriano and Ricardo Piñero Moral (Salamanca: Fundación Gustavo Bueno, 2000), 251–70, 252–56.

⁸ On the problem of describing intellectual developments in terms of "influence", see, for instance (and in addition to works noted above, p. 28, n. 11), Francis Oakley, "'Anxieties of Influence': Skinner, Figgis, Conciliarism and Early Modern Constitutionalism", *Past and Present* 151 (1996): 60–110.

⁹ Gil, "Spain and Portugal", 435.

¹⁰ I.A.A. Thompson, "Absolutism, Legalism and the Law in Castile, 1500–1700", in *Der Absolutismus—ein Mythos? Strukturwandel monarchischer Herrschaft in West- und Mitteleuropa (ca. 1500–1700)*, ed. Ronald G. Asch and Heinz Durchardt, 185–228 (Cologne-Weimar-Wien: Böhlau, 1996), 188.

did not 'end' at some vague point during the later sixteenth century; nor was it uncontested. Castilian lawyers and theologians continued to debate the definition and practical scope of "supreme" or "absolute" royal power throughout the sixteenth and seventeenth centuries, not least during the period of transition of power from Philip II to Philip III of Spain.¹¹

The second emerges from the enduring emphasis on self-censorship and the rule of the Inquisition over Spanish life more generally. Interventions on the part of the Spanish (and Roman) Inquisition are still widely understood not only to have condemned *Démonomanie, Theatrum* and *Methodus* to intellectual insignificance, but also to have forestalled the dissemination of Bodin's political thought. Inquisitorial censure and associated polemics keen to deter readers by labelling Bodin a 'Machiavellian' and atheist are taken to have been successful. This view of the power and reach of the Spanish Inquisition, however, has for some time now been the subject of lively, revisionist debate.¹² What has become apparent so far is that books and authors suffering from the attention of the Holy Office have to be considered individually. Where several works by the same author are concerned—as in the case of Bodin—it is useful to proceed on a book-by-book basis.

The third perspective, though not entirely distinct from the previous two, more readily accounts for the undeniable presence of the *République* in Spanish political literature. In the first instance, it encompasses a tradition that explores Bodin's treatise in terms of history of political and legal philosophy. The main focus is on the exploration of conceptual parallels between Bodin, the authors of the 'School of Salamanca', and

¹¹ See the discussion and examples in Thompson, "Absolutism", especially, 195–213.

¹² I cannot provide even a cursory survey of the ongoing debate on the impact of the Inquisition on Spanish intellectual life. On organization, procedures and efficiency of censorship in early modern Spain, see, for instance, Virgilio Pinto Crespo, *Inquisición y control ideológico en la España del siglo XVI* (Madrid: Taurus, 1983); also Ángel Alcalá Galve, ed., *Inquisición española y mentalidad inquisitorial* (Barcelona: Editorial Ariel, 1983). For a historiographical survey and comparative analysis see Francisco Bethencourt, *The Inquisition. A Global History, 1478–1834* (Cambridge: Cambridge University Press, 2009). Case studies demonstrating the loopholes, circumstances, and strategies that allowed well-connected authors in particular to negotiate with, outmaneouvre or confront censors, include, for instance, Patricia Manning, *Voicing Dissent in Seventeenth Century Spain: Inquisition, Social Criticism and Theology in the Case of El Criticón* (Brill: Leiden, 2009); Ryan Prendergast, *Reading, Writing, and Errant Subjects in Inquisitorial Spain* (Farnham-Burlington: Ashgate, 2011); and Andrew Hegarty, "Professorial Management of Censorship and Opposition in Print to Government Policy in Early Seventeenth-Century Salamanca", *History of Universities* 26.2 (2012): 60–91.

modern legal and political science.¹³ This perspective is also perceptible in a number of studies intent on delineating Bodin's influence through detailed examination of the extent to which individual authors' thought was shaped by the République. 14 These studies tend towards an understanding of reception as a hermeneutic process that, in order to be complete, has to absorb and interpret the 'whole text' or body of doctrine, and generally in line with authorial intention. ¹⁵ Successful reception is measured by the degree to which text and author receive hermeneutically coherent and predominantly sympathetic treatment. It ensures that ideas contained in the source text are authentically represented in terms of a direct and accurate transfer of legal and philosophical concepts and terminologies. In the case of Bodin, this kind of reception would, ideally, result in a Spanish 'School of Bodin'. The fact that no such 'School' ever came into existence indicates a failed, disrupted or in other ways curtailed process of reception. While it is true that there never existed anything resembling a Bodinian school in Spain, this perspective still falls short of explaining what for such a long period of time drew Spanish authors to Bodin and the *République*.

This chapter undertakes to differentiate from all three of these perspectives our understanding of the ways in which the *Six livres de la république* fed into Castilian political discourse. ¹⁶ It takes its cue from Francis Bacon, exploring some of the "Contract[s] of Errour betweene the Deliuerer and the Receiuer" of this particular text. ¹⁷ The enquiry, then, is one into Bodin as a contested and ambiguous source in Castilian political discourse, into what different readers understood or wanted him to have said, and why, and how they used the *République* to suit their understanding and

Examples include the classic study by José Antonio Maravall, La teoria del estado en el siglo XVII (Madrid: Instituto de Estudios Políticos, 1944). See also the work of Luis Sánchez Agesta: for instance, Sánchez Agesta, "Los origenes de la teoría del estado en el pensamiento español del siglo XVI", Revista de Estudios Políticos 98 (1958): 85–109; and Sánchez Agesta, El concepto del estado en el pensamiento español del siglo XVI (Madrid: Instituto de Estudios Políticos, 1959).

¹⁴ For instance, Bermejo, "Estudio preliminar"; also Bermejo, "Introducción", in Diego de Tovar y Valderrama, *Instituciones Políticae*, ed. Bermejo (Madrid: Centro de Estudios Constitucionales, 1995), 11–44; or the excellent set of studies by Francisco Javier López de Goicoechea Zabala (above note 5, and below, notes 66 and 85).

 $^{^{15}}$ On modes and theory of reception see Peter Burke's salient observations, above, chapter 1.

 $^{^{16}\,}$ I cannot even touch upon the reception of Bodin's other works in Castile. A comparative study of the reception of the Bodinian oeuvre in the territories of the Spanish Habsburg monarchy would be likely to yield interesting results.

¹⁷ See above, p. 1.

purpose.¹⁸ They picked over the treatise—guided by the pressing issues of the day, mining it for suitable quotations, concepts, and evidence—and picked it apart. At times, they enmeshed and obscured excerpts and references within other, complementary or conflicting sources. Bodin's Castilian readers rarely treated the text as a doctrinally coherent 'whole'. No Castilian or Spanish 'School of Bodin' emerged. The authors using the *République* make "contracts of errour" in the sense of a contract that is meant to assign interpretative agency mostly or solely to the "receiuer".

The "receiuers" discussed in this chapter are Gaspar de Añastro Isunza, who translated the *République* into Castilian; the leading Castilian jurisprudent Jerónimo Castillo de Bobadilla, as well as the theologians Juan de Mariana and Juan Márquez. The period under consideration stretches roughly from the publication of Añastro's translation (1590) to its inclusion in Cardinal Sandoval y Rojas' *Index librorum prohibitorum* (1612). This is by no means a comprehensive treatment of the Spanish reception of the *République*. Looking at a sample of "contracts", I will sketch the expectations a number of Castilian secular magistrates and theologians brought to bear on the *République*, expectations which in turn determined the ways in which they used (or abused) the text and inserted it into Castilian political debate. The contention is that the text became part of the Castilian canon of authorities on 'scientia politica', and thus to a degree integral to the development of early modern Castilian political thought.

1. Vernacular Translation and Self-Censorship

Gaspar de Añastro's translation of Bodin's text into the vernacular, published in Turin in 1590, is the pertinent starting point for a study of the early reception of Bodin in Castilian political literature.¹⁹ This is not least

¹⁸ On the relationships between a 'text' or 'texts' and their 'author' see the salient observations in Adrian Wilson, "What is a Text?", *Studies in History and Philosophy of Science* 43 (2012): 341–58. In this chapter, I am dealing with readers who constructed 'their' Bodin and 'his' doctrines (one of several 'virtual Bodins' in Wilson's terminology) almost exclusively from one 'text'—the *République*—rather than other texts attributed to or associated with that same author. This specific (and soon-to-be canonical) 'text' constitutes the presence and identity of its 'author'. The *Methodus*—referenced alongside the *République* in Márquez, for instance (see below p. 284)—is apprehended as part of the argument laid out in detail in the later treatise.

¹⁹ Gaspar de Añastro Ysunza, *Los seis libros de la republica de Iuan Bodino: traducidos de la lengua Francesa y enmendados Catholicamente* (Turin: por los herederos de Bevilaqua, 1590). We know little about Añastro's life and career. He published his translation while serving as *tesorero general* to the Infanta Catalina Micaela at the Savoy court. Following

because translation and dedicatory epistle provide clear pointers as to why readers in Castile and elsewhere in the Spanish monarchy would have found the text stimulating or disturbing, and sometimes both at the same time.

A competent and generally faithful translator, Añastro clearly anticipated and sought to pre-empt censorship, promising to present his readers not only with a competent translation, but with "Los seis libros...enmendados Catholicamente (corrected according to the Catholic faith)".20 Marginal comments explain and amend passages likely to cause offence or confuse patriotic readers.²¹ Occasionally, he inserts additions and emendations in italics in the main body of the text, usually extolling Spanish arms, heroes and royal houses, and emphasising the close connection between Spanish dynasties and the rulers of Savoy. He contests, for example, the claim that the king of Castile is a vassal of both the king of France and the pope and does not therefore qualify as a sovereign ruler. Taking the anti-Spanish sting out of the *République*, he clearly hopes to secure and enhance the appeal of Bodin's text without compromising what he regards as its core message. Occasionally, Añastro omits names, passages and statements likely to catch the inquisitor's eye. For instance, he excludes quotations from Melanchthon, Calvin, and Zwingli, and excises their names from the margins. He also drops the compromising diatribe against the method and dire consequences of electing popes and other ecclesiastical dignitaries reflecting Bodin's antipathy towards elected officials—and the implicit definition of papal authority as essentially political rather than spiritual. He discards some of the over-abundant examples and brings out Bodin's line of reasoning more clearly. Añastro's comparatively few interventions aim to preserve and convey what he regards as Bodin's core message while making the text more acceptable and appealing to a Spanish audience.

Añastro is clear about what readers should expect and might take away from reading the *République*. The dedication to Philip II eulogizes Bodin

her death in 1593, Añastro returned to Castile and royal service, for instance as *proveedor* of the navy. For such biographical detail as we have, see Bermejo, 'Estudio Preliminar', 105–7.

²⁰ On Añastro's translation and changes to Bodin's text see Bermejo, 'Estudio preliminar', 105–14; also Bermejo, "En torno al Imperio Hispano Medieval", *Anuario de la Historia del Derecho Español* 59 (1989): 737–50; and Bermejo, "Textos normativos hispánicos en la obra de Jean Bodin", *Anuario de Historia del Derecho Español* 62 (1992): 587–92.

²¹ Bermejo, 'Estudio Preliminar', 110.

as "the greatest man of letters political and legal France has today".²² The *République*, in fact, offers readers a "new science of politics".²³ He curtly acknowledges Plato and Aristotle as the founding fathers of "scientia politica", and then goes on to point out that two thousand years lie between the Greek philosophers and his world. Much of what they say is no longer relevant to contemporary politics. Yet political science has failed to move on, Añastro claims, and much of what urgently needs to be discussed with regard to governance, law, and religion remains neglected and obscure. He blames this sorry state of affairs on two culprits or rather groups of culprits. On the one hand, there are the countless authors who have written on political science since the time of Plato and Aristotle "... without any knowledge of the laws, and especially public law ...". Then there are the "ignorant blasphemers" who obscure "the secrets of political philosophy" by disregarding or discounting religion as a matter of governance.

The *République*, Añastro declares, finally puts things right. In the first instance, Bodin places the law and its practitioners at the very centre of political science, where they belong. The Angevin is the first to provide a clear definition of public law and its relation to law-making authority. By making jurisprudence the new paradigm for "scientia politica", he ensures that the practice of governance is in tune with societal and legal developments and requirements. Moral philosophy and theology lack the understanding of political reality and the ability to sense and adjust to changing circumstances so indispensable at every level of government. Bodin's definition of sovereignty encapsulates the proper relation between monarchical power, legal thought, and the pragmatic administration of the law. The subordination of Aristotelian political science to jurisprudence is central to Bodin's argument and, Añastro hopes, will become his seminal

 $^{^{22}}$ Los seis libros, dedicatory epistle: "... el mayor hombre que ha avido en letras politicas y civiles". I understand "letras civiles" as a reference to Roman or civil law. In large parts, the epistle is a paraphrase of *République*, I.x.

Los seis libros, dedicatory epistle: "Por que Platon y Aristoteles andubieron, tan escasos en sus discursos políticos, que antes nos dexaron apetito, que hartura. De mas que de esperiencia de dos mill años o cerca dellos, que ha que escribieron, nos da a concocer, que la sciencia política, estaba en aquel tiempo tan cubierta de tinieblas oscuras, que el mismo Platon confiesa, que aelle era ascondida. Si avia algunos entendidos en negocios destado, los lamaban los Sabios por excellencia, como dize Plutarco. [L]os que despues han escrito desta materia, ha sido sin conocimiento de las leyes, mayormente del derecho publico, que queda atras, por el interest que se saca del particular. Aquellos digo, han profanado los misterios de la Philosofia política, y dado ocasion para alterar grandes estados, poniendo por dos fundamendos de las Republicas, la impiedad, la iniusticia, escluyendo la Religion como contrario al estado."

contribution to the improvement of Castilian governance. His translation puts the *République* firmly at the interface of legalistic understanding of royal power, reason of state, and Christian Aristotelianism in sixteenth century Castile.

Añastro is aware that effectively replacing Christian Aristotelian political theology with secular jurisprudence implies a profound change in the relationship between religion, the Church, and the king of Castile. In his understanding of Bodin, secular law and governance will continue to consider religion as a prime concern of secular government, vet will no longer allow religious issues and authorities per se to determine political ends and actions.²⁴ The preservation of secular authority and political stability take precedence over the obligation to defend and enforce the Catholic faith at all costs. In many respects, his demands and expectations describe late sixteenth century political reality. The primacy of secular authority and possibility of religious toleration are contested ground, though. Rather than expounding or highlighting the relationship between religion and sovereign power as construed in the République, the dedicatory epistle tries to set Bodin apart from "Machiavelli's disciples" as well as cloak the fundamental critique of Aristotelian "scientia politica". For instance, Añastro reiterates Polybius' contention that even atheists cannot but embrace religion as the main foundation of the commonwealth.²⁵

²⁴ The Bodin of the *République* does not commit himself to the superiority or absolute truth of any one of the Christian creeds. See, for instance, the discussion of religious conflict in *République*, IV.vii. On the relation between religion and secular authority in the *République*—frequently enmeshed with the complex question of Bodin's personal religious persuasion and change of confessional-political affiliation in the 1580s—see, for instance, the discussion "Philosophie und Religion bei Bodin", in *Jean Bodin. Verhandlungen der internationalen Bodin Tagung in München*, ed. Horst Denzer (Munich: C.H. Beck, 1973), 415–35. For a discussion of law and sovereignty in Bodin see Julian H. Franklin, "Sovereignty and the Mixed Constitution: Bodin and his Critics", in *The Cambridge History of Political Thought*, 1450–1700, ed. James H. Burns (Cambridge: Cambridge University Press, 1991), 298–328; the observations by Howell A. Lloyd, "Constitutionalism", in Burns, ed., *Cambridge History of Political Thought*, 254–97; and J. H. M. Salmon, "The Legacy of Jean Bodin: Absolutism, Populism or Constitutionalism", *History of Political Thought* 17 (1996): 500–22; also Horst Dreitzel, *Protestantischer Aristotelismus und absoluter Staat. Die Politica des Henning Arnisaeus* (ca. 1575–1636) (Wiesbaden: Franz Steiner Verlag, 1970), especially 212–44.

²⁵ See, again, Los seis libros, dedicatory epistle: "Todavia Polibio governador y lugarteniente de Scipion Africano, tenido por le mas savio politico de su edad, con que era puro Atheysta, encomienda la Religion sobre todas las cosas, como fundamento principal de las Republicas: de la execucion de los leyes: de la obediencia de los subditos, con los Magistrados: del temor para con los Principes: de la amistad reciproca entre ellos: y de la iusticia para con todos: quando dize: que los Romanos nunca tubieron cosa en tanta estima, como la Religion, para estender las fronteras del imperio, y la gloria de sus altos hechos." This

He transcribes Bodin, who, in the *République*, twice juxtaposed Polybius and Machiavelli in order to dissociate himself from the latter. Añastro's translation, however, still promoted Bodin's legalistic understanding of secular power and its pragmatic exercise together with the potentially momentous revision and in fact dismissal of Christian Aristotelian axioms concerning its origin and nature. The hackles of Castilian ecclesiastical authority were duly raised.

2. Inquisitorial Inquiries

Añastro had no difficulty in obtaining a licence for publication in Savoy. His translation of the *République* served the intellectual mood and expansionist policies of Duke Charles Emmanuel I. In Spain, the process turned out to be far more protracted.²⁶ The first to examine Añastro's translation was the Franciscan Diego de Arce for the tribunal of the Inquisition in Murcia in 1591. Fray Diego finds a lot in the *République* that is "damaging to a commonwealth governed well and in a most Christian manner" and more appropriate for a "*república gentílica*". He is particular critical of Bodin's opinions on slavery, the toleration of heretics, and the cluster of observations concerning matrimony. He also identifies what he deems "tyrannical" pronouncements on the prince as "*legibus solutus*", on whether the prince ought to keep oaths, and whether he has the right to confiscate the patrimonies of disloyal subjects. Despite his reservations and his recommendation that the different editions of the treatise be subjected to

is an exact translation of *République*, preface. The reference to Polybius is repeated and discussed in *République*, IV.vii. The Jesuit Pedro de Ribadeneira takes this quotation from Polybius as proof that Bodin refuses to give absolute priority to the defence of the Catholic faith. For Ribadeneira, this makes Bodin one of Machiavelli's far too many "discípulos": see his *Tratado de la religión y virtudes del príncipe cristiano, para governar y conservar sus Estado, contra lo que Nicolás Maquiavelo y los Políticos deste tiempo ensañan* (Madrid: P. Madrigal, 1595); I refer to the edition, *Obras escogidas del Padre Pedro de Ribadeneira*, ed. Vicente de la Fuente (Biblioteca de autores españoles; 60) (Madrid: Hernando y Compañia, 1899), 449–587, 458.

²⁶ We have reports ("censuras") on the République from four "calificadores" employed by the Inquisition (Diego de Arce and José de San Julián) and the Consejo Real (Pedro de Montoya and Francisco Dávila) respectively. See the detailed reconstruction and analysis of the inquisitorial process by Miguel Aviles Fernández, "La censura inquisitorial de Los seis libros de la República de Juan Bodin", Hispania Sacra 37 (1985): 655–92; also Antonio Marínez Báez, "Censuras de la inquisición Española a los Seis libros de la república, de Juan Bodino", in Symposium Internacional Juan Bodino-Manuel Pedroso (Mexico City: UNAM, 1979), 39–51, especially 42–50. On the Roman Inquisition's investigations of Bodin's oeuvre see Michaela Valente's chapter in this volume.

further examination, however, Arce advises that Añastro's translation—"much more moderate" than the Latin original in its treatment of toleration, for instance—be expurgated rather than prohibited.

Less detailed, yet much more hostile in tone are the two 'memoriales' by the Jesuit José de San Julián for the Valencian tribunal a year later. Like Arce, Fray José is critical of Bodin's views concerning, for instance, matrimony, paternal "ius vitae et necis", toleration of heresy, and the breaking of oaths. He also rejects Bodin's stance on ecclesiastical immunities (and primacy of secular magistrates), the right of the Church to confiscate the goods of condemned heretics, safe-conducts for heretics, as well as his views on duels and the influence of heavenly bodies on political events. Concerning "politics and the matters of state"—Bodin's treatment of the Emperor Charles V and Spain generally—San Julián is not appeased by Añastro's modifications.

San Julián and Arce both record where they believe Bodin to be contradicting law natural or divine, canon law, Castilian custom, Catholic doctrine, or, especially in the case of San Julián, the procedures and policies of the Holy Office. The ultimate critical benchmark is whether or to what degree Bodin's pronouncements grate against prevailing interpretations of relevant passages in Scripture. Their reports draw up tallies of problematic topics and corresponding lists of passages they want to see erased from the treatise. The two 'calificadores' do not, however, search for an intrinsic heretical rationale underlying the *République* as a whole.

Anticipating inquisitorial intervention, Añastro himself approached the Consejo Real de Castilla in 1591 in order to secure and facilitate the dissemination of his text. The Council responded by commissioning reports from two 'calificadores'. The first, Doctor Pedro López de Montoya, finds that the text contains "many things well considered and useful in matters of governance and state". He resolves that—pending a number of expurgations, though fewer than those deemed necessary by his inquisitorial colleagues—Añastro's Seis libros ought to be released. The brief but incisive 'censura' of the Jesuit Francisco Dávila, on the other hand, does not list and weigh problematic topics and phrases. Dávila goes straight to what he considers the heart of the matter, focusing as much on what Bodin does not say as on what he actually says. He severely criticizes Bodin for omitting Christ, the Holy Trinity, and the "republica cristiana" from his treatise. This "heretical author", he fumes, detaches positive law from natural and divine law and from the grace of God, thus consciously depriving the body politic of its secure and lasting foundations. He finds particularly troubling Bodin's claim that the government and laws of a commonwealth must be adapted to the "nature of the people" and the "requirements of time, place, and person". 27 To follow Bodin, the Jesuit warns, is to allow each commonwealth, each community its own laws: "... the young will have to have one law, the old another; the choleric, phlegmatic, sanguine and melancholic folk, each will have different laws conforming to their respective condition". 28 Dávila identifies the historicization of law and of the body politic as what sustains the argument of the *République* as a whole and as what amounts to quite possibly the most troubling heretical provocation the work contains. He considers that Bodin's "climate theory" aids the surreptitious removal of God and of man's transcendent aspirations from political life. The sympathetic treatment of heretics in the *République* he regards as a mere symptom. Dávila betrays a real sense of the interpretative scope and transformative potential of Bodin's text.

His spirited indictment, though, did not result in the prohibition of the *République*. Three out of four 'calificadores' agreed with Añastro that the bulk of the material under investigation did not violate religious doctrine or political sensibilities to a degree necessitating prohibition. Even though there was significant consensus concerning heterodox passages, the heterodox nature of the *République* as a whole was not established. In 1594, after further discussion, the Inquisition passed a sentence of expurgation containing some of the topics all four 'calificadores' had indicated as particularly controversial.²⁹ Another twenty years would pass before it was acted upon. The treatise, in the meantime, circulated freely in Spain, was read, excerpted, and found its way into Spanish literature and debate.

The resultant frustration on the part of some of Bodin's Castilian critics is palpable: for instance, in the work of the Jesuit theologian and polemicist Pedro de Ribadeneira. Bodin's most vociferous critic in Spain by far, Ribadeneira laments the fact that the *République* is commonly found "in the hands of statesmen, being read with much curiosity and praised as the writings of a man of learning, experience and prudence, a distinguished

²⁷ See the discussion in *République*, V.i. The excerpts provided by Aviles, "La censura", 677–78, suggest that Dávila used the Latin as well as the Castilian edition of the *République*.

²⁸ The Spanish quotation in Aviles, "La censura", 678: "Y para los mozos había de haber una ley, para los viejos otra; para los coléricos, flecmáticos, sanguíneos y melancólicos, diversas leyes, conforme a sus diversas condiciones."

 $^{^{29}\,}$ Not including, for instance, Bodin's observations concerning the toleration of heresy, the confiscation of heretics' property, ecclesiastical immunities, duels, and astrology. Overall, the 1594 "sentencia" appears a compromise between the list of expurgations compiled by Arce and Montoya. For a first, useful discussion of a possible rationale underlying the composition of the sentence of expurgation, see Aviles, "La censura", 685–92.

master of the subject of all good reason of state".30 He dedicates a good part of his treatise—the licence to publish imparted by none other than Pedro de Montova—to building a case against Bodin and discouraging readers by branding him an atheist, "político", and "discípulo de Maquia*velo*". Yet, while making a great deal of noise about the "many false opinions" and errors" still contained even in the Castilian and Italian translations, Ribadeneira also feels compelled to include diverse Bodinian tenets in his exposition of "true reason of state (verdadera razón de estado)". For instance, he, agrees with Bodin's denunciation of excessive loans and tax collection.31 He also references and closely follows Bodin's distinction between a true king and a tyrant—though he disingenuously concludes his discussion suggesting that the "politiques" generally advocate tyranny.³² Bodin proved a much harder nut to crack—to dismiss, denigrate or distort, that is—than Machiavelli. Ribadeneira's ambiguity reflects the fact that neither he nor the Inquisition could claim to speak for the Castilian Crown or simply ignore the concerns and directions of debate among lay magistrates. The *censuras*, protracted inquisitorial enquiries, and ongoing polemic only confirm that the *République* was part of a continual process of negotiating Spanish Catholic orthodoxy between and within Catholic communities and involving lay audiences to a considerable degree.

Eventually, in 1612, the text was put on the Spanish *Index*. Initially, Cardinal Sandoval y Rojas and his collaborators adopted the 1594 sentence of expurgation. The desire to align their position with that of the Roman inquisition, eventually led them to prohibit the treatise as a whole rather than demand expurgations.³³ Yet Bodin's major political treatise continued

³⁰ Ribadeneira, *Tratado de la religión*, 452: "¿Que de las obras de Juan Bodino, que andan en manos de los hombres de estado y son leidos con mucha curiosidad, y alabadas come escritas de un varon docto, expermentado y prudente, y gran maestro de toda buena razon de estado, no mirando que están sembradas de tantas opiniones falsas y errores, que por mucho que los que las han traducido de la lengua frencesa en la italiana y en la castellana las han procurado purgar y emendar, no lo han podido hacer tan enteramente, que no queden muchoas más cosas que purgar y que emendar?"

³¹ Tratado de la religión, II.x; Bodin, République, VI.ii.

³² Tratado de la religión, 499. His concessions may well include a cautious appreciation of Bodin's rationale concerning toleration: see Harald E. Braun, Juan de Mariana and Early Modern Spanish Political Thought (Aldershot: Ashgate, 2007), 136–43. For a concise discussion of Jesuit positions concerning toleration see Harro Höpfl, Jesuit Political Thought. The Society of Jesus and the State, c. 1540–1630 (Ideas in Context; 70) (Cambridge: Cambridge University Press, 2004), 112–39.

³³ The treatise is included among the works "quae prohibentur, aut quibus cautio, vel explicatio praescribitur" in *Index librorum prohibitorum et expurgatorum, D. Bernardi De Sandoval et Roxas* (Madrid: Ludovicum Sanchez, 1612), 60: "Ioaannis Bodini liber De

to be read, quoted and paraphrased regardless. Añastro's intended audience did not cease to be attracted to the text; interested readers and writers either had the authority or licence to proceed or found ways to sidestep the Holy Office. In this light, the inquisitorial censures and even the prohibition of the text suggest a strategy that aimed to select readers and control access, to filter and direct rather than forestall further discussion.³⁴ The *Index* of 1640 would acknowledge Bodin's status and ongoing contribution to Spanish intellectual life, return to the 1594 sentence, and move the *République* to the list of expurgated books.³⁵ One of the authors who prompted this decision by ensuring Bodin's presence in Spanish political discourse before and after 1612 was the prominent jurisprudent Jerónimo Castillo de Bobadilla.

3. Jerónimo Castillo de Bobadilla: Boosting the Royal Prerogative

An eminent lawyer, legal advisor to the Cortes of Castile, and fiscal of the Real Chancillería of Valladolid, Castillo de Bobadilla (1546/47–1605) is also the author of the most widely read legal and administrative manual in late sixteenth and early seventeenth century Castile. His *Política para corregidores y señores de vasallos*, first published in 1596, provided secular magistrates with systematic, detailed and practical information about the laws and legal procedures of the kingdom of Castile.³⁶ Castillo made it clear

Republica: Itě Daemonomania, omnino prohibentur. Methodus verò ad facilem historiarum cognitionem: Item, Universae naturae Theatrum, similiter prohibentur, nisi repurgentur".

³⁴ The inquisitorial fortunes of the *République* appear to confirm Virgilio Pinto Crespo's general point that censorship frequently was a matter of conditioning intellectual production rather than outrightly excluding books and ideas from circulation. Antonio Márquez, *Literatura y Inquisición en España, 1478–1834* (Madrid: Taurus, 1980); and José Pardo Tómas, *Ciencia y censura. La inquisición Española y los libros científicos en los siglos XVI y XVII* (Madrid: CSIC, 1991) suggest that the Inquisition during the sixteenth and seventeenth centuries became increasingly effective, especially with regard to religious and scientific works. The *République*, however, could not be easily pigeon-holed. The work took inquisitors out of their comfort zone, reminding them of their position as servants of both Crown and Inquisition—two bodies that did not necessarily agree on definitions of law and royal power.

³⁵ Index librorum prohibitorum et expurgatorum, Antonio Sotomayor (Madrid: Diaz, 1640), 880–82.

³⁶ Jerónimo Castillo de Bobadilla, *Política para corregidores y señores de vasallos, en tiempos de paz, y de guerra. Y para juezes ecclesiasticos y seglares y de sacas, aduanas, y de residencias, y sus oficiales: y para regidores, y abogados, y del valor de los corregimientos, y goviernos realengos y de las ordenes* (Madrid: Luis Sánchez, 1597). The first edition to include the revisions demanded by the Inquisition: Barcelona: Geronimo Margarit, 1616. I work from the first edition 1597 and the facsimile reprint of the 1704 edition printed in

that his intended audience comprised both fellow *letrados*—university-trained lawyers who, by the late sixteenth century, dominated municipal, provincial and crown service—as well as *corregidores de espada y capa*. The latter were a diminishing yet still powerful body of high-ranking royal officials without professional legal training, often from a military background.³⁷ Castillo wrote his treatise in the vernacular in order to reach out to this group as well as his more learned colleagues, charting the often competing and overlapping jurisdictions they had to navigate day in and day out.

Castillo is resolved to address the needs and experience of secular officials and counsellors engaged in continual and systematic wrangles with their ecclesiastical counterparts. This is evident in that he places a heavy emphasis on royal supremacy as the focal point of juridical action, and on the reverence all orders of society owe to the king. The king is "judge of all the judges", Castillo says, and every magistrate and notable depends on him as the source of justice.³⁸ The *Política*, in other words, is the major work of a prominent representative of the group of early modern Spanish jurisprudents and theologians commonly referred to as '*regalistas*'.³⁹ A diverse group comprising secular magistrates and lawyers as well as theologians, '*regalistas*' are defined rather than united by their intention to defend and expand the royal prerogative.

Amberes by Juan Bautista Verduffen: ed. Benjamin González Alonso, 2 vols. (Madrid: Instituto de Estudios de Administración Local, 1978). On Castillo's life and career see Francisco Tomás y Valiente, "Castillo de Bobadilla (c.1547–c.1605): semblanza personal y profesional de un juez del antiguo régimen", *Anuario de historia del derecho español* 45 (1975): 159–238; and González, "Estudio Preliminar", in Castillo de Bobadilla *Política*, 1: 7–36; 35–36, for a list of the few modifications made in response to inquistorial intervention. See also Ronald W. Truman, *Spanish Treatises of Government, Society and Religion in the Time of Philip II, The 'de regimine principum' and Associated Traditions* (Leiden: Brill, 1999), 164–82, especially 168–71; and Valle Labrada, *Filosofía jurídica y política de Jerónimo Castillo de Bobadilla* (Pamplona: EUNSA, 1999), 9–19.

³⁷ On *letrados* and *espada y capa* officers in the service of the crown of Castile, see Richard Kagan, *Students and Society in Early Modern Spain* (Baltimore: Johns Hopkins University Press, 1974), 79–81.

³⁸ Castillo de Bobadilla, *Política*, I.ii.21 [references to: Book, Chapter, Section]: "De suerte que el Rey es juez de los juezes, y todos los magistrados y dignidades proceden y se derivan del como de fuente de su justicia".

³⁹ On "regalista" doctrine, see, for instance, the discussion in Antonio Domínguez Ortiz, "Regalismo y relaciones Iglesia-Estado en el siglo XVII", in *La iglesia en la España de los siglos XVII y XVIII*, ed. Antonio Mestre Sanchis (Madrid: Biblioteca de Autores Cristianos, 1979), 73–121; and José Manuel Nieto Soria, *Fundamentos ideológicos del poder real en Castilla, siglos XII–XVI* (Madrid: Eudema, 1988). Also Thompson, "Absolutism"; and the literature cited below, notes 40 and 41.

By the time Castillo turned to Añastro's translation, Castilian political discourse generally agreed that the royal prerogative comprised the making and unmaking of law as well as the power to override law in the interests of necessity, equity and the common good. The emphasis on the concentration of law-giving power in the king was expressed in a range of resounding formulae such as "ex cierta scientia" or "non obstante lege". 40 It did not, however, necessarily extend to the power to increase existing or impose new levies. Exploiting the pressures on a crown always short of funds, the sixteenth-century Cortes and Church of Castile began to tilt the legislative balance of power more in their own favour and inserted themselves into the process of juridification of royal power. 41

The principle of "summa potestas principis" or "poderío real absoluto" therefore continued to sit uneasily with equally present notions of the popular origin and delegation of royal power as well as the conviction that the king was bound by considerations of a moral, political and spiritual nature. The problem remained of how to oblige a king recognising no superior in temporal matters and potentially 'absolute' in legislative and jurisdictional term to respect the law—his own laws and those of his predecessors as well as natural and divine law. It manifested itself in contemporary juridical literature in various ways: for instance, in on-going efforts to pinpoint the definition and practical delineation of 'supreme', 'absolute' and 'tyrannical' power. Castillo himself reminds readers that "nobody can command the King but the law, . . . which is the queen of mortals as well

⁴⁰ These are standard formulae in medieval and early modern political language, conceived in particular with the intention to anticipate and disarm attempts to obstruct or nullify royal acts through appeals to custom. For Spain, see, for instance, John B. Owens, "By My Absolute Royal Authority": Justice and the Castilian Commonwealth at the Beginning of the First Global Age (Rochester, NY: Rochester University Press, 2005).

⁴¹ For a focus on the relationship between Crown, Church and Cortes of Castile during the sixteenth and seventeenth century see, for instance, José Luis Bermejo Cabrero, *Poder político y administración de justicia en la España de los Austrias* (Madrid: Ministerio de Justicia. Secretaría general Técnica, 2005); and Christian Hermann, *Le Premier Âge de l'Etat en Espagne*, 1450–1700 (Collection de la Maison des Pays Ibériques; 41) (Paris: Éditions du Centre National de la Recherche Scientifique, 1989). Also Charles Jago's very illuminating essay, "Taxation and Political Culture in Castile, 1590–1640", in *Spain, Europe and the Atlantic World. Essays in Honour of John H. Elliott*, ed. Richard Kagan and Geoffrey Parker, 48–72 (Cambridge: Cambridge University Press, 1995).

⁴² This is evident in the Castilian political literature of the period, including the works of Castillo de Bobadilla, Mariana, and Márquez discussed in this chapter. For further discussion and examples see, for instance, Owens, "By My Absolute Royal Authority"; and Thompson, "Absolutism".

as immortals".⁴³ Characteristically, he resorts to reason of state, warning that there is nothing as likely to incite unrest as public perception that the king no longer protects the laws and customs of the land.⁴⁴ Castillo combines these kinds of admonition with the civilian notion of the prince as a "rational, political and moral animal" well able to annul laws and step customs into the dirt, but never able to ignore the "diktat of reason".⁴⁵ Castilian political discourse continued to intertwine reason of state with law and theology in order to negotiate pragmatic solutions and practical thresholds rather than fundamentally to resolve the ongoing tensions between Church, Cortes and Crown. Castillo's *Política* reflects and sustains the corresponding understanding of juridical conflict as indissociable from the practice of government, an understanding shared by secular and ecclesiastical magistrates across the Hispanic monarchy.⁴⁶

This seasoned advisor to Crown and Cortes regards the law as the main affirmation of power and order. Castillo's outlook is distinctly secular even when discussing the nature, scope and limits of ecclesiastical jurisdictions and privileges. The origin, purpose and end of society and government are relevant only with regard to his intention to establish this clear focus on government, with the law operating within, and yet independently of a Christian theological and spiritual frame. This is where Castillo brings Bodin into play. The instances are comparatively few, but nonetheless significant. Passages from the *République* help him to organize and establish his case for royal supremacy.

Castillo establishes his position in his *Política* I.i. He does so by means of a pessimistic anthropology, which, though Catholic-Augustinian in origin, is presented by means of choice quotations and paraphrases from the

⁴³ Castillo de Bobadilla, *Política*, II.x.52: "... el Principe nadie le puede mandar sino la ley,... que es [la] Reyna de los mortales, y de los immortales."

⁴⁴ Política, II.x.52.

⁴⁵ *Política*, II.x.52: "... que le principe es animal racional, politico y mortal, por lo qual aunque este dissuelto de las leyes, y tenga debaxo de sus pies las costumbres, pero no esta dissuelto del dictamen de la razon."

⁴⁶ On conflicts of jurisdiction and cultural practices as determining the conduct of early modern (Spanish Habsburg) government, see, for instance, Bartolomé Clavero, *Tantas personas como estados: Por una antropología política de la historia europea* (Madrid: Tecnos, 1986); Antonio M. Hespanha, "Las categorías de lo político y de lo jurídico en la época moderna", *Ius fugit* 3: 4 (1994/1995): 63–100; Xavier Gil Pujol, "Del estado de los lenguajes políticos, del centro de la periferia: Dos décadas de historia política sobre la España de los siglos XVI y XVII," in *El Hispanismo Anglo-norteamericano: Aportaciones, problemas, y perspectivas sobre historia, arte y literatura españolas (siglos XVI–XVIII)*, ed. José Manuel de Bernardo Ares, 2: 883–919 (Cordoba: Obra Social y Cultural Casajur, 2001).

Seis libros.⁴⁷ Bodin's conceptualisation of the violent origin of "respublica" and "señorio" provides the starting point for his enquiry into the law and practices supporting the forceful exercise of royal supremacy.⁴⁸ He shares Bodin's view of the disappointing baseness of human nature. 49 Whoever deals with the question of how society and lordship arose, Castillo dryly remarks, has to accept that "by nature all men want more for themselves than for others" and will always be full of "contempt for the common good". Quoting or paraphrasing passages from Añastro, Castillo derides ancient writers for their "poetic delusions", namely the idea that the first men roamed the earth as free, brave and solitary brutes, or that society originated in peaceful commerce. In the beginning, Castillo insists, there was Cain, who slew his brother Abel and gathered the people behind city walls.⁵⁰ He attacks Plato—lifting or closely paraphrasing passages from the Seis libros—for advocating common ownership and ignoring the fact that without the notion of "mine" and "yours" there would be no peace and order.⁵¹ With Bodin, he holds that the existence of and distinction between what is private and what is public are the condition of the very existence of the "república". He also repeatedly emphasizes the parallel between domestic and monarchical government, between the

⁴⁷ Castillo de Bobadilla, *Política*, for instance I.i and ii; III.vii; also II.i and ii; IV.i. See also López de Goicoechea, "Recepción", 268–9; and Bermejo, "Estudio Preliminar", 119–21.

⁴⁸ Castillo de Bobadilla, *Política*, Lii.5: "Y lo que haze a nuestro proposito, es, saber, que desde el principio de la creacion del mundo hubo ciudad cercada y murada: de donde se colige, que para conservarse en ella la vida sociable de los hombres (porque naturalmente todos quieren más para sí, que para otros) necessariamente avía de aver leyes de Republica, y para el remedio del desprecio del bien comun, y del desorden de la compañia humana, era forçoso enfrenar y reprimir el furor y soberbia de los hombres con leyes juezes, carcel y cuchillo, y otras penas, para tener a raya a los que rehusando el freno de la razon, vivian a voluntad de apetito: pues es verdad, que aun los ladrones no se pueden conserver en una compañia sin ellas, segun doctrina de San Augustin".

⁴⁹ *Política*, II.xi.1: "La malicia y mala inclinación es natural a todos los hombres"; see also V.ii.2, and V.ii.3.

⁵⁰ *Política*, I.i.3: "Fingen los Poetas [references are to Horace and Juvenal], que los hombres en su principo eran como animals bravos solitarios, que no se reduzian à congregacion ni compañia humana, sino que habitaban en soledad, y por los campos, ò en compañia de fieras, albergandose tal vez a sombra de un pino, ò haya; y tal vez al cielo descubierto, sustentandole de vellotas, vivian con bruteza una vida aspera y selvatica". Also *Política*, I.ix.4: "El origen desto (segun hallamos escrito) es, que en los siglos de la primera edad, Cain... congregò poblaciones, y las cercò de muro: aora de miedo que tenia por la muerte de Abel su hermano, ò por avaricia, porque ya usaban de proprios".

⁵¹ Política, I.i.16. What appears a paraphrase of *République*, I.ii–v is shrouded in references to the *Glossa Ordinaria*. Lucan and Ovid.

"paterfamilias" and the king,⁵² and adopts the definition of lawful monarchy as laid out in the *République*. Appropriately, Castillo concludes his treatise with Bodin's definition of the commonwealth (following Añastro) as "a just government of many families, and of that which they have in common, with supreme authority (*un justo gobierno de muchas familias, y de lo comun à ellas, con suprema autoridad*)".⁵³ Bodinian tenets help Castillo define the origin, nature and purpose of commonwealth and monarchical power.

This frame of reference allows Castillo to advance regalist interpretations of the many laws and privileges discussed in the *Política*, not least with regard to royal jurisdiction over the Church of Castile. For instance, he is able to deploy a noticeably robust conceptualisation of 'necessitas' against ecclesiastical immunity from taxation. After professing summary respect for ecclesiastical privileges as prescribed in canon and civil as well as natural and divine law, Castillo explains that public utility will trump any privilege.⁵⁴ The power of the king is such that if he decides that the realm is in danger and he in dire need of funds, he is entitled not only to disregard ecclesiastical immunities but also established principles of human, natural, and even divine law. This, according to Castillo, is the "essence of necessity". He also refers to Bodin and "autoridad suprema"

⁵² For instance *Política*, I.ii.29: "Equipara se la Politica a Economica, que trata del gobierno de la casa, porque la familia bien regida, es la verdadera imagen de la Republica, y la autoridad domestica semejante a la autoridad suprema, y el justo gobierno de la casa es la verdadera modelo del gobierno de la Republica: y assi san Pablo, y otros Santos y sabios, dixeron, que el que no sabe gobernar su casa, mal sabra gobernar la Republica:... proque la casa es una pequeña ciudad, y la ciudad es una casa grande: y quanto al gobierno la casa, y la ciudad, solo difieren en la grandeza".

⁵³ *Política*, I.i.31. According to Albuquerque, *Jean Bodin*, 162, Castillo is the first Spanish author to adopt Bodin's definition.

⁵⁴ Política ÎI.xviii.298: "Y porque su essencion y la franqueza concedida á la dignidad, ó á la religion, ó á las personas, no se estiende á la necessidad de la natural defensa, ni á la publica de conserver el bien comun, ni á las oppressions y ocasiones insolitas, ni quando ya no bastan las fuerças de los legos, porque esta necessidad siempre queda exceptada, (i) porque la publica utilidad se ha de preferir á qualquier privilegio: y assi en ella son comprehendidas las personas Eclesiasticos. Y en estos casos no solo es jurídico, sino tambien es piadoso que ayuden los Eclesiasticos". Política, xviii.317: "... la necessidad no tiene ley permissiva, no prohibitive, ni consultiva: y saltando el tiempo de deliberar, no importa porcuya mano se haga esta cobrança, como quiera que se probea a la occurrente necessidad, porque esto no lo hazen los legos voluntariamente, sino necessitados del peligro, que pide subito remedio, a pena de perderse la Republica". Política, viii.318: "... perderse la Republica: porque el peligro en la tardança carecede ley, y no la recibe, sino antes la da, y haze licito lo que lo era, y Juez legitimo al incompetente, y por la necessidad muchas vezes se dispensan y alteran los precetos, no solo del Derecho humano, sino del natural y divino". See also Truman, Spanish Treatises, 175–6.

when claiming that the king has the right to override the jurisdiction of lords, cities or bishops "for any reason whatsoever". Bodinian tenets help Castillo to establish the anthropology and myth of origin as well as definition and scope of monarchical power upon which he can build a robust interpretation of the exercise (rather than theory) of Castilian royal supremacy.

Castillo uses Bodin selectively and with the intention to strengthen the status and position of royal officials locked in juridical-political disputes with representatives of the cities, Cortes, and Church of Castile. The manner in which he inserts Bodin is characteristic of the ways in which conflicting authorities could find themselves merged, embedded and disseminated in early modern political literature. The Angevin is used selectively, yet is one of Castillo's lead authorities—together with Saint Augustine, Aristotle, Cicero, and a wide range of legal sources—when it comes to defining the origin and nature of monarchical authority. Usually, Castillo folds snippets from Añastro's translation into a dense mesh of classical (including Aristotelian), civilian, patristic and scholastic authorities. There are instances where he appears deliberately cavalier with his references and attributions. The Bodinian notion of the "familia" as the model of the "respublica", for instance, though faithfully transcribed, is attributed to "san Pablo, y otros santos y sabios". In another instance, the definition of the family and the rule of the "paterfamilias" as the model for monarchical government are thrown together with Aristotle's definition of the citizen. His presence and contribution to the conceptual framework of the *Politica* partially disguised, Bodin still provides the conceptual steer for Castillo's definition of monarchical power and in effect directs the host of supporting references gathered from related but not infrequently discordant sources.

The Inquisition and ecclesiastical authorities did not fail to notice the anti-clerical stance underscoring much of the *Política*, nor that the treatise recommended itself as a manual for secular magistrates preparing for conflicts over ecclesiastical jurisdictions and privileges. Initial attempts to stymie the publication and temper the argument, however, were thwarted owing to decisive intervention on the part of the Cortes of Castile. After about a year's delay, a licence for its printing was issued and the treatise

⁵⁵ See the discussion of feudal lordships (señorios) and their relation to royal jurisdiction in Castillo de Bobadilla, Política, II.xvi.82–89.

published.⁵⁶ Eventually, his frequently uncompromising stance with regard to the superiority of secular over ecclesiastical governance did catch up with Castillo. In 1604, the Inquisition in Valladolid demanded the expurgation of several passages relating to the assumed superiority of secular over ecclesiastical jurisdiction as well as outrages caused by ecclesiastical judges.⁵⁷ The references to Bodin, however, were not even mentioned. It was only after the *République* and *Política* were put on the Index of 1612 that Castillo responded to clerical opposition. The second edition published in Barcelona in 1616 as well as subsequent editions integrated the 1604 list of expurgations and also removed marginal (eight) and textual references (two) to the *République*. With one possible exception—Castillo now renders 'sovereignty' as "superior autoridad" rather than "suprema autoridad"—the presence of Bodin in the main body of the text remains unchanged.

Añastro's translation continued to be part of the frame of Castillo's 'regalista' argument regardless of inquisitorial disapproval. If Bodin's presence did not profoundly transform Castillo's and Castilian conceptualisation of monarchical power more generally, Castillo found him none the less helpful with regard to defining the nature and scope of royal supremacy. The leading 'letrado' of his generation insisted on drawing upon the *République* when he came to anchor his lengthy and successful handbook for the practice of law and governance in early modern Castile.

4. Juan de Mariana: Keeping 'Absolute' Kings in Check

The prominent Jesuit theologian and historian Juan de Mariana SJ (1535–1624) picked up the gauntlet thrown down by Bodin, Añastro, and 'regalistas' such as Castillo de Bobadilla. In his *De rege et regis institutione libri tres* (1599), Mariana combines a critical investigation of law as the source of political authority, legitimacy, and stability with a critique and development of political Aristotelianism. Throughout the first book of the treatise,

⁵⁶ Tomás y Valiente, Castillo de Bobadilla, 181.

⁵⁷ Truman, Spanish Treatises, 180-1.

⁵⁸ On Juan de Mariana's political theology see Braun, *Juan de Mariana*; also Truman, *Spanish Treatises*, 315–60; Nicole Reinhardt, "Juan de Mariana: Bibelexegese und Tyrannendmord", in Andreas Peçar and Kai Trampedach, eds., *Die Bibel als Politisches Argument: Voraussetzungen und Folgen biblischer Herrschaftslegitimation in der Vormoderne* (Munich: Oldenbourg, 2007), 273–94; and Manuel Herrero Sanchez, "El padre Mariana y el tiranicidio", *Torre de los Lujanes* 65 (2009): 103–121.

Bodinian and scholastic notions of law and sovereignty spar and merge with one another. Loath to include references in text or margin, Mariana blends and re-phrases what he borrows into sophisticated, at times overtly complex and antiquated Latin. The presence of Bodin in the *De rege*, therefore, is hazier than it is in Castillo, González de Cellórigo, or Juan Márquez, but it is perceptible nonetheless. The *République* supports the strident critique of Thomist-Aristotelian notions of the nature of political power and the origin of society and government. At the same time, Bodin, too, is one of the targets of Mariana's criticism of law-based political science. Neither of the sparring partners comes out on top. Mariana rewrites Aristotelian political science in terms of reason of state, with maxims of political prudence effectively superseding juridical terms and conceptualisations of the body politic.⁵⁹

Bodin, then, is acknowledged as a competent political thinker—albeit one misled by undue confidence in his ability to forge a new and universal political science from jurisprudence and history and far too optimistic about the moral core of kings. On the one hand, Bodinian tenets inform the Catholic-Augustinian political ontology which forms the basis for Mariana's critique of Thomist-Aristotelian political theory. On the other hand, Mariana is deeply apprehensive about a primarily juridical understanding of monarchical power (also a point of his critique of Thomist-Aristotelianism) and corresponding notion of jurisprudence as the new 'scientia politica'. The Jesuit insists on "prudentia"—Aristotelian 'phronesis' adapted into a vehicle for reason of state—rather than jurisprudence as lying at the core of political science.

As a result, Mariana abandons the Thomist-Aristotelian teleology of natural progress from 'familia' to 'societas' and culminating in the 'respublica'. He shares the civilian-Bodinian reductionist concept of a law of nature as a law of self-preservation, and especially Bodin's conceptualisation of the origin and nature of society and power. The crucial passage defining the myth of origin that drives the overall argument of *De rege*

⁵⁹ Throughout Mariana's *De rege, prudentia* operates as a synonym for 'reason of state'. Large parts of the tract discuss doctrines and practices of reason of state and arrive at conclusions that test and expand the boundaries of orthodox Christian political ethics. According to Mariana, the prince may well pursue pragmatic and morally ambiguous politics as long as he allows for supervision by expert clergy. The proposals for a theocratic reform of the Madrid government are laid out mainly in the last chapters of each of the three books of *De rege*. See Braun, *Juan de Mariana*, especially 135–59.

reads like a paraphrase of sections especially in the *République III.vii.*⁶⁰ Mariana imagines the situation immediately after the Fall as one where the "paterfamilias" exercised authority with no need of laws and the threat of punishment. Over time, families grew into larger units already resembling the future *societas*, but still flourishing without knowledge of laws, magistrates or property. Finally, "time and the wickedness of men" compelled men to organize themselves into society and simultaneously submit to hero-kings and lawgivers. The account of the genesis of society and kingship in *De rege* appears to follow the mytho-historical process as described in the République. The outcome is the same, too. Mariana and Bodin both outrightly reject the common Aristotelian distinction between 'societas' and 'respublica'. The joint emphasis is on human violence as what forced the simultaneous birth of 'societas' and 'suprema potestas sive auctoritas'. The paraphrases from the *République* underscore the profound difference between the family in a state of nature immediately after the Fall—still resembling its pre-lapsarian state—and the emergence of society and kingly power as a triumph of original sin as well as an expression of human will. Laws, accordingly, are the subsequent result of historical experience and the desire to contain powerful tyrants such as Nimrod, Alexander, or Saul. Bodin helps establish the vantage point from which Mariana assesses the authors of the 'Second Scholastic' as well as Bodin himself: the historicity, variability, and mutability—understood as the expression of original sin-of all forms of human secular endeavour and organization.

His pessimistic anthropology allows Mariana to expose the profound dilemma of Thomist-Aristotelian conceptualisations of the body politic and the relations of power between its parts: how to reconcile Aristotelian axioms with the evident need for strong single rule as a result of the Fall of Man. His chosen mytho-historical vantage point and political anthropology, however, also enable him to turn against a 'regalista'-Bodinian view

⁶⁰ Juan de Mariana, *De rege et regis institutione libri III* (Toledo: Pedro Rodriguez, 1599), 16–18, especially 16–17: "Solivagi initio homines incertis sedibus ferarum ritu pererrabant. Uni sustentandae vitae curae, et secundum eam, uni progreandae educandaeque prolis libidini serviebant. Nullo iure devincti, nullius rectoris imperio tenebantur, nisi quatenus naturae instinctu et impulsu in quaque familia, ei honor deferebatur maximus, quem aetatis praerogativa ceteris videbant esse praelatum. Et cum numero augebatur et sobole, quandam populi formam rudem quamvis et incompositam repraesentare videbatur. Sublato rectore, parente aut avo, filii nepotesque in multas familias mapalium instar dissipati, ex uno pago plures pagos effecere". Mariana follows *République*, III.vii, also I.vi and vii; and Cicero, *De inventione*, 1.2.2; Seneca, *Ad Lucilium*, 90.3–4.

of law and sovereign power as the bailiwicks of justice, order, and political stability. Mariana, in other words, defines power as absolute and limited at the same time. The solution is first outlined in any detail in *De rege* I.viii.⁶¹ Here, he proposes to provide a solution to the "perilous and slippery subject" of "whether the power of the king or the commonwealth is greater". His answer, he says, "still untested", is likely to offend defenders of and detractors from royal power alike.

On the one hand, Mariana insists on the contractual nature of legitimate monarchy. The power of kings originates in citizens or subjects (Mariana uses the terms "cives" and "subditus" interchangeably) and is lesser than that of the "respublica universa" or its representatives gathered into one space and arriving at unanimous decisions. ⁶² Though possible and legitimate, he says, it is unlikely that the "cives universos" agreed to transfer supreme power irrevocably, "without exception, counsel, and reason". ⁶³ Such bestowal of power is always likely to crowd out the ethical and political considerations indispensable to good governance. In this case, in fact, the king is more likely to act tyrannically, and his subjects more likely to think of him as a tyrant, regardless even of his actual conduct. *Ius naturale* understood in terms of a primeval right of self-preservation of individual and community, in any case, defines the ultimate boundary of sovereign power.

⁶¹ Mariana, De rege, 87-99.

⁶² De rege, 88. Mariana adapts an influential formula from medieval canon law—"rex maior singulis, minor universis"—which epitomises the notion of individuals acting not as private citizens ("singuli") but collectively as members ("universi") of a corporate body ("universitas"). According to this maxim, the king is inferior to the "universi", but superior to the "singuli". Two points are worth bearing in mind. First, Mariana distinguishes between "potestas" as the material power and means of governance (for instance, laws, fiscal resources, the military) and "auctoritas" as political capital and moral and emotional leverage a king is able to exercise over his subjects. The terms can appear synonymous when he comes to describe constitutional arrangements per se. Secondly, Mariana repeatedly emphasises the need for total unanimity in decisions taken by the "respublica universa" or its representatives, especially if confronting the prince. These are important but frequently overlooked qualifiers of his notion of "popular sovereignty".

⁶³ De rege, 90: "Preaterea Regem pravis moribus rempublicam vexantem, atque in apertam tyrannidem degenerantem comprimere eadem respublica qui posset, principatu & vita, si opus sit, spoliare, nisi maiori potestate penes se retenta, cum Regi suas partes delegavit? Neque sit verisimile sua se cives universos penitus auctoritate spoliare voluisse, transferre in alium sine exceptione, sine consilio, rationeque: quod necesse non erat, effecisse, ut Principe corruptioni obnoxius & pravitati, maiorem universis haberet potestatem". Also De rege, 93: "... Principis malo coercendi potestatem in republica residere: si vitiis & improbitate infectus sit, ignoransque verum iter gloriae, metui a civibus quam amari malit: metuque paventibus & perculsis imperare, iniuriam facere pergat factus tyrannus".

On the other hand, Mariana states that in matters which customarily form part of royal prerogative, the king has "... greater authority not only than the individuals, but also than the whole body, so that no one resists him and he does not give an account of his actions to anyone". ⁶⁴ In this instance, the king is "legibus solutus" and holds greater authority than the corporate body of the people as a whole—though he is still bound by law of nature and divine law. The list of marks of "suprema et maxima potestas" attached to this more generous definition of royal power paraphrases the République I.viii. It includes the making of war and peace, the making of law, and the creation of nobles and magistrates. ⁶⁵ Mariana's "perilous and slippery" path, then, is best described as the attempt to reconcile conflicting legal concepts and establish a paradoxical definition of the king as both "maior singulis, minor universis" and "maior singulis, maior universis" within political prudence rather than jurisprudence.

To put the matter simply, the Jesuit denies that the dilemma of "suprema potestas" can ever be solved in terms of law and juridical 'scientia politica'. In fact, the quest for the ultimate locus of absolute power is a mere game of competing legal constructs that distorts political reality, a pre-occupation that is as damaging as it is futile. In strictly juridical terms, Mariana concedes, most nations afford their rulers "suprema potestas" as well as considerable freedom to consider themselves "legibus solutus". More often than not, rulers manipulate law and custom and extend their power either by juridical machinations or by blunt force. In practical and political terms, though, the prudent prince will always remember that the people are "the spring from which his power flows", that they

⁶⁴ De rege, 89, and 92: "... maiorem non singulis modo, sed universis habebit potestatem, nullo qui resistat aut facti rationem exigat". Mariana, even extends his notion of a king acting "major singulis, maior universis" to a point where it appears to indicate imperial authority over the composite parts (for instance, the kingdom of Aragon, the duchy of Milan, the viceroyalty of New Spain) of the Spanish monarchy: 'Neque dubitant maiorem unius quam singulorum tum civium tum populorum imperandi potestas esse".

⁶⁵ De rege, 89: "Plerique omnes egem rectorem reipublicae & caput esse concedunt, rebus gerendis supremam & maximam auctoritatem habere, sive bellum hostibus indicendum sit, sive iura subditis in pace danda..."; also De rege, 92: "... regiam potestatem supremam in regno esse iis rebus omnibus, quae more gentis, instituto, ac certa lege Principis arbitrio sunt permissae: sive bellum gerendum sit, sive ius dicendum subditis, sive duces magistratusque creandi....". Also De rege, 101. Mariana appears to give the making of war and peace precedence over the making of law, though he does not provide explicit reasons for doing so. He also differs from Bodin in that he does not mention the right of appeal to the king—Bodin's fourth mark of sovereignty—and, mainly for reasons of political prudence, expressly excludes taxation from the power of making law. Cf Bodin, République, Lx.

"command greater resources", and *de facto* retain "a power greater than that of kings". 66 He will exercise sovereignty not according to what the laws of the land allow or what "insinuating courtiers" suggest, but rather according to the flexible rules of "*prudentia*" (as Catholic reason of state). A young prince, therefore, will study history and what is "fixed in the customs of almost all peoples" in order to garner useful guidelines for the pragmatic exercise of sovereignty. 67 History and legal compilations both confirm, for instance, that by openly displaying respect for what his subjects regard as custom, the ruler makes sure they abstain "from arbitrarily repealing what has already been decided..., or departing from decisions he has already reached". Throughout his treatise, Mariana interprets scholastic juridical concepts and precepts as concepts and precepts of reason of state.

Like Bodin, Mariana feels compelled to take secular government out of the orthodox Aristotelian framework. He draws on the *République* in few but seminal passages. Bodin helps pinpoint the inherent contradictions of Thomist-Aristotelian notions of inalienable royal power. "Suprema et maxima potestas" itself is in effect presented as a useful, if controversial, legal fiction, but no more than that. It will help forestall the kind of spurious and partisan attempts to challenge and undermine the authority of the crown that Mariana identifies as the root cause of civil war in France. Bodin's conceptual prowess is partly appreciated, then, but at the same time diluted and turned against itself. In Mariana's view, Bodin is another 'letrado' locked in a legalist view of politics, and thus just as guilty as orthodox Thomist-Aristotelians of failing to produce a truly practical definition and ethics of royal power. Secular governance requires the pursuit of pragmatic solutions, with reason steeped in historical knowledge and expert theologians as its guides. The 'regalista' conceptualisation of power and law, according to Mariana, fails as soon as it is exposed to the harsh light of political reality and historical experience. Jean Bodin, surely contrary to his own intentions, is enrolled to support the transformation of legal doctrine into maxims of reason of state and concomitant theocratic reform of Spanish government.

⁶⁶ Mariana, De rege, 89.

⁶⁷ De rege, 92. "Quod moribus populorum ferme omnium fixum videmus, ne a Rege constituta retractare cuiquam liceat, aut de illis disceptare". This is a reference to the "ius gentium" understood as the law common to all peoples. Bodin, *République*, I.viii refers to the "lex omnium gentium communis".

5. Juan Márquez: Absorbing Reason of State

The Augustinian theologian Juan Márquez (1565–1621) entered into open and comprehensive dialogue with Bodin in his manual for the "Christian governor".68 Márquez, too, seeks to pinpoint the relationship between Christian Aristotelian political theology, reason of state, and jurisprudence. From the outset, he concedes that Spanish theology has been slow to respond to the needs of statesmen and offer advice on the problems and strategies associated with the preservation of power. Machiavelli he regards as no more than a bogeyman for theologians unable or unwilling to engage with the political and conceptual problems highlighted by reason of state.⁶⁹ A group he summarily identifies as the "historiadores modernos", on the other hand, gives him cause for concern. This group—which includes Bodin and Guicciardini, among others—is exerting increasing influence over secular princes and magistrates. They advertise a new political science founded on secular history and jurisprudence. There is real merit to their work, Márquez explains, in that they appreciate religion as the primary means of rational and pragmatic government. They fail to understand, however, that this can be the case only because religion in fact defines the beginning and the end of rational government. As a result, and sometimes unwittingly, Márquez says, the "historiadores modernos" threaten to detach the Christian body politic from its ontological foundation and purpose.

Márquez considers Bodin by far the most intelligent and prominent of the "modern historians". Like Ribadeneira, the Augustinian feels that the Frenchman's popularity necessitates a direct and detailed response. For Márquez, however, the problem with Bodin is not that he is a heretical fiend. Spanish theologians criticising Bodin, he suggests, are mostly missing the point. As he makes plain in the course of his argument, he considers

⁶⁸ Marquéz, El governador christiano, deducido de las vidas de Moysén, y Iosué, Príncipes del pueblo de Dios (Salamanca: Francisco de Cea Tesa, 1612). See Francisco Javier López de Goicoechea Zabala's exploration of Márquez's thought and legacy, especially "Recepción"; "Génesis, estructura y fuentes de El governador christiano (1612) de Juan Márquez", Revista Augustiniana 39 (1998): 93–126; also "Estudio Preliminar", Juan Márquez: El Governador Christiano & Respuesta a la consulta del consejo de Castilla sobre la licitud y justicia de la aprobación de nuevos tributos, ed. Goicoechea, 11–113 (Clásicos Agustinianos Españoles en la historia del pensamiento económico y social) (Madrid: EDES, 1998). For Márquez's life and career, "Estudio Preliminar", 13–26.

⁶⁹ Márquez, *El governador*, prólogo: "...escribir contra Machiabelo; cosa que en esta edad han hecho tantos y pudieran aver excusado algunos; porque...tomando las armas contra él, le han hecho más nombrado de lo que debieran".

Bodin crucial to the understanding of the contemporary relationship between religion, politics and royal power. By Márquez's account, not only does Bodin acknowledge religion as what drives political and social life, but he also establishes the proper nexus of religion and monarchical power that is necessarily "legibus solutus". Counter-Reformation kingship simply cannot any longer operate like pre-Reformation kingship. Princes and theologians had better take heed of what the "modern historians" have to say about religion as a force and a tool in politics. The problem with Bodin—as with his fellow "historians" generally—is that while he aptly describes religion as what determines political and social life, he no longer acknowledges it as the ontological foundation of the "república". Bodin's big fallacy, then, is to substitute sovereignty for religion as the ontological foundation of the body politic and politics. Sovereignty enables religion to warrant peace and stability, not *vice versa*. This, according to Márquez, is why Bodin's notion of sovereignty does not readily translate into a wholly convincing and workable political rationale, and why much of what he has to say about how religion operates in the body politic simply goes astray.⁷⁰

In the first instance, then, Márquez embraces Bodin's definition of sovereignty—translated as "suprema potestad" or "suprema potestad absolutamente"—conceptually as well as in terms of diction. He repeatedly and approvingly cites the *République*, and, occasionally, the *Methodus*, and intersperses Bodinian references with relevant quotations and formulae from other advocates of "summa potestas" including Pierre Grégoire, 71 the Digest, and the post-glossators. 72 The people elected (hereditary) princes

⁷⁰ See Goicoechea, "Recepción", especially 257–59. Goicoechea follows Luis Sánchez Agesta's opposition between Bodin's 'historical' conceptualisation of the body politic and the 'ontocratic' view of the authors of the 'Spanish School' (including Márquez). See Luis Sánchez Agesta, "Bodino en la Teoría del Estado", in *Symposium Internacional Juan Bodino-Manuel Pedroso* (Mexico City: UNAM, 1979), 71–82. 'Spanish School' and its more common synonym 'School of Salamanca' appear rather summary terms for what is a diverse host of early modern Spanish authors, intellectual traditions, and politico-theological standpoints.

⁷¹ Pierre Grégoire appears to be the 'elephant in the room' regarding the reception of Bodin in Spain. López de Goicoechea and Gil, "Spain and Portugal" mention Grégoire as one of the prime conduits for the dissemination of Bodinian tenets in Spain. A detailed study investigating Grégoire's reception in Spain would be helpful. Márquez is one of several examples suggesting that Spanish authors were able and willing to engage Bodin directly. On Grégoire's reading of Bodin, see the observations in Dreitzel, *Protestantischer Aristotelismus*.

⁷² See especially the discussion in *El governador christiano*, I.xvi, I.xix, I.xxiii; II.ii. A summary list of topics Márquez discusses with reference to Bodin as well as a list of direct citations from the *République* and *Methodus* figure in López de Goicoechea, "Recepción", 266, 268–69 (page numbers allocated to topics and citations refer to the edition in two

and agreed a transfer of "supreme and absolute power".⁷³ Almost in passing, Márquez approves the notion of an irrevocable transfer of power that Mariana is so keen to dismiss. Still, while appraising the prince as "legibus solutus", Márquez does insert a—somewhat cryptic—caveat. The people must obey royal orders, "unless they were to be manifestly unjust". Márquez never brings himself to ascertain what constitutes "manifest injustice" on the part of the prince. Nor does he ever specify who the judge of the king's actions would be. The people cannot depose their prince, whatever his crimes and sins. The "co-active force of the law" and right to deal out due punishment belongs to the king only, and not the commonwealth.⁷⁴ Márquez skirts the legal and ontological issue that Mariana sought to resolve in terms of reason of state: the question of whether ultimate power and authority lodge in either the king or the people.

The objective is clear. Márquez wishes to define "poder real" in Bodinian terms, in terms closer to those of Castillo de Bobadilla than those of Juan de Mariana. At the same time, he posits that such power can only be exercised successfully and the obedience of the people ensured if the king subjects himself to "the law of God". Divine law compels the king to follow his own conscience, the law of nature, and in fact his own laws. The tyrant will be handed "the bill for his sin", invariably, but only from God, "who is superior on earth". The royal prerogative may reach far and the Crown retain its hold over the Church of Castile as long as it also retains the preservation of the one true faith as the foundation and prime objective of the body politic. At the same time, Márquez is determined to fasten "suprema potestad" to orthodox Thomist-Aristotelian political ontology and the notion of religion as origin and end of the "república". He hopes

volumes Madrid: Manuel Martin, 1773). Overall, the balance between positive and negative value judgements is fairly even. The obvious exception is the pervasive matter of religion

⁷³ Márquez, *El governador christiano*, I.xvi, 91 [references to: Book, Chapter, Page Number]: "Porque después que los pueblos los [príncipes; *HEB*] eligieron y les dieron la suprema potestad absolutamente, toda la jurisdicción quedó en los príncipes, y los pueblos no quedaron con libertad de repugnar a sus órdenes, si no fuesen manifiestamente injustas". Also II.ii, 208.

⁷⁴ El governador christiano II.ii, 209: "...la fuerça coactiva de la ley de quien depende la execucion de la pena, esta en la persona del principe, y no en la Republica, y es contra razón natural, que no sean distintas personas, la que manda, y la que obedece, el que executa, y en quien se haze la execución...".

⁷⁵ El governador christiano II.ii: "... pero la cuenta deste pecado no se la puede pedir la Republica, sino solo Dios, que le es superior en la tierra".

⁷⁶ This stance is reflected in Márquez's discussion of "tributos": *El gobernador christiano* I.xvi, I.clxxxii, I.clxxxvii; cf. Bodin, *République*, V.v. and VI.ii.

to establish Bodinian sovereignty as a function of (Christian) religion by rejecting Bodin's pessimistic anthropology and vigorously defending orthodox Aristotelian definitions of the body politic and of citizenship. Márquez insists that for all his useful knowledge, conceptual acuity, and undoubted political astuteness, Bodin is simply wrong to describe the body politic as the product of original sin, and to detach citizenship from political and judicial office.

Accordingly, the treatise is scattered with references to pagan as well as scholastic authorities confirming that the first commonwealths emerged from a "natural desire to communicate", and that free citizens have to share in laws, customs, and elections as well as jointly perform a multitude of "civic actions (acciones civiles)" if they are to feel part of the same body politic.⁷⁷ Bodin's sovereign depends on communication and consensus as the pillars of political integration and stability. When it comes to citizenship, therefore, Márquez suggests, the Frenchman plainly contradicts himself. One example, he claims, is Bodin's contention that slavery is contrary to natural law.⁷⁸ Here Bodin is wrong, he says, and the truth of the matter is evident once the proper understanding of the status of the citizen in a commonwealth is established. Taking his cue from the *République*, Márquez stages the debate about natural slavery—with which he effectively opens *El governador christiano*—as an enquiry into the true definition of citizenship. His intention throughout is to reassert the interdependence of personal freedom, politically active citizenship, and the body politic, and thus discount Bodin's contention that the freedom of citizen-subject includes rights and privileges guaranteed by the sovereign, but not access to political and judicial office.⁷⁹

In the first instance, Márquez says, Aristotle and with him the majority of authorities simply and plainly disagree with Bodin. In large part, his is a labour of dissecting and ranking canonical authors, selecting and organizing gobbets and distinctions in a manner that allows him to arrive at a desired and persuasive conclusion. In this particular instance, Scripture, Aristotle, Herodotus, Cicero, and Tertullian, together with scholastic theologians from Saint Thomas Aquinas to Luis de Molina are pitched

⁷⁷ See, for instance, Máequez, *El governador christiano*, I.ii, 6: "… no se debe tener por ciudadano el estrangero, y el esclavo, por la falta de autoridad sobre las acciones civiles, sin la qual espira el derecho de contratar y parecer en juyzio". Also I.ii, ix, and xiii.

⁷⁸ The discussion is in *El governador christiano* I.ii, 6–17; also I.i, 4–6. On Bodin's position concerning slavery, see, for instance, Henry Heller, "Bodin on Slavery and Primitive Accumulation", *Sixteenth Century Journal* 25 (1994): 53–65.

⁷⁹ Bodin, République, I.vi and V.ii; Bodin, Methodus, VI.

against Bodin, Thucydides, Plutarch, Caesar, and the civilians. Márquez does not hesitate to call on the Protestant Aristotelian Henning Arnisaeus for support.⁸⁰ His status as an expert theologian of indubitable Catholic orthodoxy allows him to draw heterodox sources into his defence and development of Aristotelian orthodoxy.

Not only does Bodin muster fewer and overall less weighty authorities, but, Márquez alleges, neither is his argument internally consistent. Márquez paraphrases the *République* VI.i, according to which the citizen is distinguished from the slave in that he enjoys personal liberty, and from the foreigner in that he enjoys "rights and privileges" while also being subject to "taxes, command, and laws". Márquez readily concurs. He also agrees with Bodin that the institution of slavery originated in the taking of prisoners of war, and that slaves are always likely to rise against their masters in order to gain liberty. How then, Márquez asks, can the desire of the slave to be free not be rooted in the same natural desire that inspired men to form communities in the first instance? Unless liberty and the right to be politically active define the citizen, Bodin's argument regarding slaves and foreigners fails in terms of its internal logic.

Bodin's analysis of slavery on the basis of history and reason of state makes sense only if slavery is a historical institution, an institution defined in terms of human positive law. ⁸² If that were not the case, and slavery really were contrary to natural law, this would indicate a serious corruption of "naturaleza racional"—source and first principle of all human thought and action—and it would never have been permitted by either "derecho positivo" or "derecho de las gentes". Yet, as Bodin himself concedes, it clearly is and always has been so permitted. The only possible conclusion, according to Márquez, is that slavery, while not endorsed by natural law, is not prohibited either, and therefore is a concern of positive law. The hierarchy of law, divine, natural and positive, and the communication and concord between them remain undisturbed. The rational and politically active citizen in turn continues to ensure communication and establish that concord.

⁸⁰ Márquez, *El governador christiano*, I.ii, 6. The reference is to the critique of Bodin's distinction between *civis* and *subditus* in Arnisaeus' *Doctrina politica in genuinam methodum, quae est Aristotelis reducta*...(Frankfurt: Johann Thiemen, 1606), cap. six. The 1612 *Index*, 51, would consider the German much more of a danger than Bodin.

⁸¹ Bodin, République, I.vi.

⁸² See the discussion in *El governador christiano*, I.ii, especially 10–11.

Here, as so often in his treatise, the logic and credibility of Márquez's refutation of Bodin hinge on readers' views concerning the degree to which original sin affects natural law, reason and human endeavour: on whether the reader inclines towards Saint Thomas, or rather towards Saint Augustine, and thus towards Bodin's scathing assessment of men as always likely to mistake their own will and desire for principles of natural law.⁸³

The characteristic combination of Bodinian notions of royal power, Aristotelian political ontology, and reason of state also directs Márquez's analysis of Bodin's misapprehension in matters of religion. If the natural desire to communicate and to some degree participate in political decisions is what defines the citizen and subject, integrates those citizens into a "patria", and in fact enables the prince to enforce his rule, religious toleration, contrary to what Bodin suggests, is highly problematic. Bodin, according to Márquez, ignores the fact that religious differences make meaningful communication among citizen-subjects difficult if not impossible. Heresy disrupts and destroys the natural sense of community that forms the foundation of a successful body politic. Religious toleration, therefore, is no option, in terms of practical politics and of reason of state as well as in terms of the preservation of religious uniformity as the 'causa finalis' of the Aristotelian body politic.⁸⁴

Yet even where he profoundly disagrees with Bodin, as on the issue of natural slavery, Márquez still discerns merit in the Angevin's views. Thus Bodin is said to offer "sound advice" concerning the demographic restriction and political control every commonwealth needs to impose on slaves and foreigners. In this and several other instances, Márquez presents the *République* as a condensation of 'biblical reason of state'. Whatever insights in terms of pragmatic preservation of political power Bodin and the "historiadores modernos" do have to offer, he suggests, is already contained and laid out in Holy Writ, albeit sometimes in condensed form. The upshot of Márquez's prolonged discussion of choice tenets from the *République* is that Bodin will provide the Spanish reader with useful and in fact salient insights as long as his particular blind spot is borne in mind. In any case, informed reading of the Old Testament will reveal the deeper source which nourishes Bodin like everyone else.

⁸³ Bodin, République, I.vi.

⁸⁴ See also Márquez, El governador christiano, I.xxvi ("Sobre la religion") on République, IV.v; II.xxv ("Sobre la defense de fe"), on Methodus, IV and the final chapters of République, IV and V.

⁸⁵ Márquez, El governador christiano, I.ii, 9.

The Bodin of *El governador christiano* is relevant to understanding the nature and exercise of royal power, including taxation. He fails in matters religious. His treatise, consequently, is presented as a complex and often contradictory source of knowledge and authority. Yet this is a fate Bodin shares with many Catholic authors and even Holy Writ itself. *El governador christiano*, in other words, considers the *République* part of the canon of authorities which it is useful and even necessary to consult, discuss, and, where necessary, correct when dealing with matters of secular governance. Scripture is the only source of undoubted authority, according to Márquez, and the one that anticipates, absorbs, and amends every other purported source of Christian political knowledge.

Márquez's ambition is characteristic of early modern political Aristotelianism generally: to assert the Aristotelian axiom of liberty and active citizenship by reconciling it with reason of state and the notion of the prince as 'legibus solutus'. 86 The Augustinian, like his Jesuit contemporary, makes it his mission to reclaim political ethics and pragmatic political decisionmaking for Christian orthodoxy and the church. His ontological outlook, however, differs markedly from Mariana's in several respects, and so, as a result, does his treatment of Bodin. He does not accept Bodin's pessimistic exposition of the ontological foundation of monarchical power, and is concerned about its implications for political Aristotelianism. His method is to expose what he sees as inconsistencies and contradictions intrinsic to the argument of the *République*. While crediting Bodin with supreme political intelligence, Márquez intends to separate what he believes Spanish readers find most appealing in Bodin (his practical political advice) from what presents the greatest danger to the Thomist-Aristotelian conceptualistation of the body politic and the relationship between church and crown (his political ontology and notion of law). Inconsistent and contradictory in itself, Márquez's treatment of Bodin is a testimony nonetheless to the allure of the *République* and the pressure it exercised on authors of the period.87

⁸⁶ A helpful discussion of German Protestant Aristotelian authors is Horst Dreitzel, "Reason of state and the crisis of political Aristotelianism: an essay on the development of 17th century political philosophy", *History of European Ideas* 28 (2002): 163–87.

⁸⁷ Márquez, *El governador christiano* inspired a host of early seventeenth century treatises on the ethics and practice of politics. His book is likely to have been a major vehicle for the dissemination of Bodinian thought and critique. See Francisco Javier López de Goicoechea Zabala, "Juan Márquez (1565–1621): influjo y proyección historiográfica," *Revista Augustiniana* 37 (1996): 93–126.

6. Conclusion

The Castilian reception of the *République* reflects and feeds into issues and controversies at the crossroads of *regalista* jurisprudence, reason of state and political Aristotelianism during the later sixteenth and early seventeenth centuries.⁸⁸ Castilian lawyers and secular magistrates drew on Bodin's comprehensive legalistic conceptualisation of monarchy in order to complement and expand existing notions of the king as supreme judge and legislator. Bodin—not least through his famed definition of sovereignty—helped delineate 'supreme' or 'absolute' power acknowledging the primacy of the law from 'absolute' or 'tyrannical' power as rooted in the will of the king.⁸⁹

The *République* proved useful again when it came to criticising and re-working Aristotelian political ontology in the light of (geo-)political realities increasingly perceived as fluid, changeable, and historical. The contents of the treatise attracted those intent on conceptualising a secular 'scientia politica' more in tune with the pragmatic organization, exercise and preservation of monarchical power. Again, the audience included *regalista* jurisprudents bent on juridifying and expanding the royal prerogative as well as theologians sustaining Aristotelian thought by adapting it to Castilian royal prerogative and the demands of reason of state. The need to revisit and revise ingrained Aristotelian meanings in the light of a heightened sense of moral, political and epistemological ambiguity is in fact acknowledged by all the authors discussed in this chapter—even including, in his own way, the providentialist firebrand Pedro de Ribadeneira. ⁹⁰ Our authors seek to establish the proper relationship

⁸⁸ I cannot agree with Dreitzel's suggestion that the development of political Aristotelianism in early modern Spain and Portugal "was stopped by the domination of the so-called 'Second Scholastic' and 'antimachiavellian' political theory": Dreitzel, "Reason of state", 179, note 34. Spanish authors of the period develop 'Tacitist' seeds already present in Aristotle and Aristotelian literatures. Mariana and Márquez are just two cases in point. The popularity of *El governador christiano* and other treatises following in its wake point to an appreciative readership.

⁸⁹ Thompson, "Absolutism", 198, goes so far as to speak of Castilian kingship as "in effect...a legal concept". While this describes an important aspect of Castilian juridical understanding and of the legitimacy of 'suprema potestas', it neither captures the need to negotiate legal doctrine with the help of moral theology and reason of state acknowledged by jurisprudents, nor does it exhaust the range of early modern Castilian notions of kingship. See, for instance Sandra Chaparro, *Providentia. El discurso providencialista español de los siglos XVI y XVII* (Madrid: Publicaciones de la Universidad Pontifica Comillas, 2012).

⁹⁰ On perceptions of crisis permeating early modern Spanish political thought see, for instance, the classic essay by John H. Elliott, "Self-perception and Decline in Early

between 'scientia politica', jurisprudence, and practical theology. The dispute is about the actual degree of autonomy enjoyed by the secular body politic, about whether the monarchy ought to regard the preservation of the true Catholic faith as the ontological foundation or merely as prime objective and tool of political action.

Abstract debate and blotted pages, of course, are firmly tied to tangible, hard-nosed political interests. Mariana's musings on a theocratic reform of governance that would ease the grip of the "patronato real" and Márquez's construction of 'biblical reason of state' are but two examples. The reception of the *République* demonstrates contemporaries' sense that the Aristotelian doctrine of the politically active citizen had become politically and ontologically problematic. Some theologians, from different angles, set out to harness reason to the development and survival of the Aristotelian conceptualisation of the body politic. While the issues at stake were inherited from medieval scholastic political philosophy and Castilian law codes, Bodin provided terminology and notions that helped re-focus salient issues. The *République* was instrumental to all parties involved in the controversy over the secularisation and juridification of Castilian government.

The text was available from the 1590s onwards at least and widely read throughout the latter sixteenth and early seventeenth centuries. What is abundantly clear is that Bodin was a choice author for jurists and theologians who wanted to be in the thick of contemporary debate on royal governance. They picked and adapted those passages, terms and notions that helped them compare, contrast and define their own positions. In various ways and from a variety of vantage points, select tenets from the *République* were employed to differentiate the positions of the dominant philosophers, lawyers and theologians. The usefulness and popularity of his text among the politically literate in Castile eased Bodin into the canon of authorities that political writers felt they had to include in their discussion. If Bodin's Spanish readers established the authority of the *République*, however, they also made sure to define it on their own terms.

Without any effort on the part of its author, the *République* became a source of authority *and* a particularly pesky bugbear at the same time. The text remained a contested authority, at least during the last decade of the

Seventeenth-Century Spain", *Past and Present* 74 (1977): 41–61; and Jeremy Robbins, *Arts of Perception: the Epistemological Mentality of the Spanish Baroque*, 1580–1720 (Abingdon: Routledge, 2007).

sixteenth and the first decade of the seventeenth century. It provoked not because it could easily and summarily be dismissed as heterodox. It did so because a good part of its content proved a ferment to contemporary Castilian political debate. Theologians and lawyers used Bodin's treatise selectively and with a view to delimiting its purpose and position within indigenous political discourse. Bodin nurtured, pointed, and escalated 'homegrown' debate. The inclusion of the République in the 1612 Index did not mark a watershed in this respect. The text would not be removed from the list of canonical authors writing on the nature and scope of royal power. The "vulgarización" of Bodinian themes and concepts (to borrow José Luis Bermejo's fortunate phrase) continued unabated. 91 By the mid-seventeenth century, the République had been tamed and absorbed into political orthodoxy. By then, it had long left its mark on Castilian political thought. Bodin was now acknowledged (together with a 'reformed' Tacitus) as the acceptable face of reason of state. No longer a bugbear, the République might well have become by then a trifle boring. The likes of Girolamo da Sommaia might no longer have felt inclined to put it on their extracurricular reading list.

⁹¹ The seventeenth century Spanish reception of the *République* is a field meriting further study. Bodin's work is quoted and paraphrased to a notable degree in prominent legal and politico-theological authors such as—to name but a few—Juan de Madariaga (*Del Senado y su Principe*, Valencia, 1617), Juan de Santa María (*Tratado de república y política cristiana*, Barcelona: Sebastian de Cormellas, 1617), Jerónimo de Cevallos (*Arte real para el buen govierno de los Reyes y Príncipes*, Toledo, 1623), and Juan de Solórzano Pereira in his *De Indiarum Iure* (Madrid: Francisco Martinez, 1629–39). For a brief, preliminary survey see, López de Goicoechea, "Recepción", 262–5.

CHAPTER TWELVE

THE RECEPTION OF BODIN IN THE HOLY ROMAN EMPIRE AND THE MAKING OF THE TERRITORIAL STATE

Robert von Friedeburg

The reception of Bodin is rightly considered to have been a major influence on German political thought of the later sixteenth and seventeenth century. But precisely what was this 'influence'?¹ The question is made the more difficult by the fact that our understanding of the development of both the concept and the terminology of 'state' in early modern Germany is undergoing profound change. This change is primarily encouraged by medieval historians on the one hand and, on the other, through a stronger emphasis in research on early modern Germany on the importance jurisdictional, political, cultural—of the Empire as a whole. It will be necessary (1) to review this rapidly changing research landscape in order to determine precisely at what juncture the reception of Bodin did have an impact. We will then (2) trace in more detail the uses made of Bodin during the 1590s through to the 1620s. Finally (3), we will inquire into the role of Bodin, if any, in relation to the new conceptions of princely rule emanating from the great historian and political philosopher Hermann Conring in Helmstedt. In doing all this, we shall also be discovering where Bodin was scarcely used or not used at all. For in order to gauge his influence, such omissions are just as important as references to his work.

1. Current Research Landscape

Eight major areas of findings define the current state of research.

First, until its demise, the Empire remained, strictly speaking, a feudal hierarchy (*Reichslehensverband*) with the elected king of Romans and Emperor at its head (*Reichslehensherr*). The duties of loyalty towards him

¹ Throughout this chapter all direct references to Bodin's *Les Six livres de la république* are to the 1583 (Paris: Du Puys) edition. On the implications ascribed to the term 'influence' by proponents of reception theory, see above, p. 23. In what follows I hope to have avoided such implications.

remained the most important legal constraint on the Imperial estates, in particular on the princes. In the eighteenth century, princes still forfeited their capacity to rule as a punishment for rebellion against their feudal overlord.² The princes of the Empire were not sovereign monarchs (except in principalities outside the Empire where they had also inherited or were elected to the throne, such as the duke of Saxony in Poland, the landgrave of Hesse-Cassel in Sweden, the margrave of Brandenburg in Prussia). Even Frederick the Great would have suffered a severe diminution of the holdings of his house had he lost the Seven Years War. Effectively, from the 1740s and the kingship of Charles VII of the House of Wittelsbach, Imperial princes began to refuse to have their fiefs re-affirmed by the Emperor. Several of the larger principalities had seen territorial consolidation to a considerable degree. In other areas, such as in the Franconian and Swabian Imperial circle and parts of the Upper Rhenish circle, the scattering of legal and jurisdictional authority among villages, knights, counts and princes remained anything but clear cut.³ Thus, at the level of the Empire, legal relations determined by individuals subject to sovereignty were never fully realized, and only partially mimicked in the relation between princes and their own subjects via the category of *superioritas territorialis*.

Secondly, according to Bodin's analysis, *maiestas*/sovereignty became a fairly comprehensive right held by those natural persons who were effectively sovereign by virtue of possessing this right, whether as single princes or as aristocracies. Simultaneously, the existence of one or several persons possessing this right became an essential feature of any polity, for without the activating of this right, no polity could—it was alleged—exist.⁴ This reading of Bodin's conceptual standpoint furnishes the background to one axis in the current argument on Bodin as presented by historians such as

² A fitting example is electoral Prince and Archbishop Joseph Clemens. He supported Louis XIV (treaty of 13 February 1701) against Empire and Emperor. The estates of the electorate of Cologne complained before the Imperial Aulic Court. As a result, his attempts at the recruitment of troops were to be stopped and the treaty with the French crown cancelled. All offices and honours were to be taken away in case of disobedience, and all servants to Joseph Clemens, in case he did not obey and they carried on obeying him, were threatened with similar consequences. His capital, Bonn, was captured by Marlborough in 1703. He and his brother Max Emmanuel were put under the Imperial Ban in 1706. Joseph was restored as part of the stipulations of the 1714 Peace of Baden between the Empire and France. See Aloys Winterling, *Der Hofe des Kurfürsten von Köln 1688–1794* (Bonn: Röhrscheid 1986), 56–9.

³ Dietmar Willoweit. *Grundlagen der Territorialgewalt* (Köln: Böhlau 1975).

⁴ Howell A. Lloyd, *The State, France, and the Sixteenth Century* (London: Allen & Unwin, 1983), 156–61; Helmut Quaritsch, *Souveränität. Entstehung und Entwicklung des Begriffs in Frankreich und Deutschland vom 13. Jh. bis 1806* (Berlin: Duncker & Humblot, 1986), 70–7.

John Salmon or Helmut Quaritsch. They argue that to Bodin the marks of sovereignty are intended to identify the natural person or persons who is or who are sovereign. Every public order (respublica) has to have such a sovereign. Public order cannot otherwise exist. But it does not itself possess the right as such, for its possession lies beyond the capacity of public order as conceived. The existence of one or several persons possessing sovereignty is functionally indispensable for the very existence of public order. The location of this possession also tells us whether this public order has the form of monarchy or aristocracy; but in any case the rights summarized as making up sovereignty remain "the sovereigns' expertise (Sachkompetenzen des Souveräns)". Quaritsch's source for this claim is the 1583 French edition of Bodin's Republique: "All the force of the civil laws and customs lies in the power of the sovereign Prince". 5 Indeed, as Quaritsch observes, Bodin distinguished between "public power (puissance *publique*)" in the hands of the sovereign (whose power *qua* sovereign was "absolue" and "infinie"), and in the hands of lesser magistrates who had it "in conformity with and subject to the laws and to the sovereign (legitime subjecte aux loix & au souverain").6 Again, a seigneur and his servants might execute puissance publique, as the sovereign might, but sovereignty was in the hands of the sovereign only. Indeed, during most of the early modern period, the idea that a legal person—as opposed to a natural person—could hold a right such as sovereignty was only exceptionally entertained, in particular with reference to city republics deeming themselves sovereign.7

Thirdly, research relating to the reception of Bodin in Germany is mainly concerned with the *Reichsstaatsrecht* (*Reichspublizistik*) that emerged from the later sixteenth century onwards⁸ on the one hand, and with the nomenclature for princely rule (and the rule of other Imperial estates) over their fiefs and the nature of their jurisdictions on the other.⁹ Historians of public law date only from the turn to the seventeenth century onwards

⁵ Bodin, *République*, I.x: 222: "toute la force des loix civiles & coustumes gist au pouvoir du Prince souverain". Cf Quaritsch, *Souveränität*, 47; J. H. M. Salmon, "The legacy of Jean Bodin", *History of Political Thought* 17 (1996): 500–22, 502–3.

⁶ Bodin, République, III, v: 431.

⁷ And it was not entertained by Bodin See Salmon, 'Legacy', 502: Bodin reckoned with the existence of corporations in society, but did not believe they were or could be endowed with a legal personality capable of possessing rights of sovereignty on their own.

⁸ Rudolf Hoke, "Die Emanzipation der deutschen Staatsrechtswissenschaft von der Zivilistik im 17. Jahrhundert", *Der Staat* 15 (1976): 2118qq.

⁹ Quaritsch, Souveränität, 70-5.

the inception of that process whereby issues of public law were no longer treated as sub-sets of principles such as imperium, jurisdictio and ius feudorum within civil law, but began to constitute a discipline of their own. Crucially important for this process of the gradual emancipation of a discipline of public law were changes in the evaluation and availability of legal sources, and accompanying changes in the teaching of what source to use to prove which point (Rechtsquellenlehre). This development put an increasing emphasis on Wahlkapitulationen (election capitulations), Reichsabschlüsse (Imperial settlements) and so forth as specific sources for the particular positive public law of the Empire of the German Nation. Yet major proponents of this development, such as Melchior Goldast, had little time for Bodin, or actually opposed his assumptions vigorously. 10 Goldast addressed Bodin's ideas about sovereignty as similar to the 'French disease' (the syphilis). 11 Thus, Quaritsch rightly concludes that the reception of Bodin presents us with one of the "rarest of developments", with a massive and broad influence in terms of becoming an issue of debate, and simultaneously broad rejection and repudiation. The qualification of maiestas as either personal (of the Emperor) or real (of the Empire as a whole and acting when assembled in diet) is a major example of refusing to follow Bodin's lead, but employing parts of his terminology and questions in new ways.12

Rather, Bodin became one of the focal points for the formation and emancipation of another discipline that saw a gradual process of emancipation into a genre of its own. This was the discipline of politics, taught mainly by professors employed in the faculties of philosophy or, partly, medicine. It was approached primarily as practical ethics focusing on *prudentia* (prudence) in civil issues. From the 1590s, publications with the telling term 'Politica' in the title began to mushroom. They were authored

¹⁰ Gundula Gaspary, Späthumanismus und Reichspatriotismus: Melchior Goldast und seine Editionen zur Reichsverfassungsgeschichte (Göttingen: Vandenhoeck & Ruprecht, 2006).

¹¹ See Martin Mulsow, "Die wahre peripatetische Philosophie in Deutschland. 'Melchior Goldast, Philipp Scherb und die akroamatische Tradition der Alten', in *Fördern und Bewahren. Studien zur europäischen Kulturgeschichte der frühen Neuzeit*, ed. Helwig Schmidt Glintzer (Wiesbaden: Harrassowitz, 1996), 49–77, 50–51, with reference to Goldast's 1606 *De cryptica veterum philosophum disciplina epistola ad Rudolphum Goclenium Philosophum Marpugensem*, in Goldast, *Clavis philosophiae peripateticae aristotelicae* (Frankfurt, 1606), 3–33, 3–4. Mulsow's main point in this paper, however, concerns the simultaneous attack of Goldast on Ramus and his attempt to reconstruct Aristotle's teaching as part of an esoteric—"akroamatic"—secret teaching. This is not our issue here.

¹² Quaritsch, Souveränität, 70: "merkwürdigsten Erscheinungen".

by practitioners of various disciplines, including those of medicine (Henning Arnisaeus) and civil law (Johannes Althusius). Their publication and arguments in turn began massively to influence assumptions on what the subject-areas of public law and public order should or should not be.¹³ This new discipline of politics, growing originally out of commentaries on Aristotle, combined, often in handbook style, political philosophy, issues on the relations of church and civil prince, considerations on the origin and nature of government among men, and very practical issues from economic management to administering agriculture to recruiting reliable servants.¹⁴

It is crucial to recognize that the reception of Bodin is primarily, and entirely rightly, to be seen as part of the context of this new discipline of politics rather than in conjunction with the equally fundamental contemporary changes in the landscape of jurisprudence. ¹⁵ The propositions of Bodin—no polity without a sovereign agency, sovereignty a comprehensive right to make law and to act in various other vital functions, and the Empire as an aristocracy of princes—stimulated publication and aroused the university scene in the Empire just at the moment when confessional conflict made existing arrangements and assumptions problematic.¹⁶ An example is the famous public controversy between the universities of Giessen and Marburg. Involved in disputes about the dynastic inheritance of Upper Hesse, the ally of the Catholic emperor, the House of Hesse-Darmstadt, favoured a decision by the Emperor and his Aulic court. For this strategic interest to work, the Empire had to be a monarchy. The Calvinist House of Hesse-Cassel had reason to fear an outcome determined by the Emperor's court of law, and argued that the Empire was not simply a monarchy. What could have been, half a century earlier, a

¹³ In this sense, Quaritsch, *Souveränität*, 73, and Salmon, "Legacy", 507, are incorrect in emphasizing that Bodin dominated juridical debate, suggesting that the debate was primarily characterized by reception through jurisprudence narrowly understood. Rather, the reception was primarily political and concerned statements by scholars who were not jurists at all—such as Arnisaeus—or not writing strictly speaking as jurists, such as Althusius in his *Politica*.

¹⁴ Michael Stolleis, Geschichte des öffentlichen Rechts (München: Beck, 1988), 85–146. The major author on the genre of the Politica remains Horst Dreitzel, "Politische Philosophie", in: Grundriss der Geschichte der Philosophie. Die Philosophie des 17. Jahrhunderts: Das Heilige Römische Reich Deutscher Nation, eds. Helmut Holzey et al. (Basel: Schwabe, 2001), 609–866.

¹⁵ Stolleis, Öffentlichen Rechts, 108–112.

¹⁶ Salmon, "Legacy", 507 on the actual focus of the translation and Latin edition history of the *République* between the 1590s and the end of the Thirty Years War.

dynastic dispute in common with many previous ones became a *cause célèbre* representing a direct link between academic definitions and disputes around Bodin's claims on the one hand and actual power struggles on the other.¹⁷

Bodin hit with his book upon a time of increasing confessional strife and dynamic change in the landscape of debate in Germany, and his questions and claims offered a sharp focus for the developing disputes. These disputes, however, concerned primarily or entirely the Empire as a whole and relations between the Imperial estates—mainly the princes—and the elected king and emperor. Arguments referring to Bodin and addressing the nature of the Empire included: assuming undivided sovereignty with the legal person of the Empire as *regnum* activated through various forms of representation (Althusius); an onslaught on this position in favour of undivided sovereignty located in a group of natural persons only (Arnisaeus); and the distinction between *maiestas personalis* (in the emperor) and *maiestas realis* (in the Empire as a whole). Specific examples of the positions of Althusius and Arnisaeus respectively in relation to such Bodinian propositions are provided in the Appendix to the present paper. Specific examples of the positions of Pathusius are provided in the Appendix to the present paper.

Fourthly, a major phase in the early development of the use of such terms as 'status', 'state', 'stat', 'staat' to signify primarily or only a locus of authority complete with sinews and different from either ruler or ruled occurred in Germany, mainly, not in relation to the direct impact of Bodin during the 1590s to 1620s, but somewhat later, during the second third

¹⁷ See Hermann Kirchner, *Res publica. Methodicae disputationis acie tum veterum tum recentiorum politicorum opinionibus candide et probe excussis* (2nd ed., Marburg, 1609); see Thomas Klein, "Conservatio rei publicae per bonam educationem—Leben und Werk Hermann Kirchners (1562–1620)", in *Academia Marburgensis. Beiträge zur Geschichte der Philipps-Universität Marburg*, ed. Walter Heinemeyer, Thomas Klein, Hellmut Seier (Marburg: Elwert, 1977), 181–230; Stolleis, *Öffentlichen Rechts*, 159–166; Quaritsch, *Souveränität*, 73.

¹⁸ Henning Arnisaeus, *De autoritate principum in populum semper inviolabili* (Frankfurt, 1612); see on this Merio Scattola, "Controversia de vi in principem. Vertrag, Tyrannis und Widerstand in der Auseinandersetzung zwischen Johannes Althusius und Henning Arnisaeus", in Angela De Benedictis, Karl-Heinz Lingens, ed., *Wissen, Gewissen, und Wissenschaft im Widerstandsrecht*, 175–250, 215–18 (Frankfurt: Klostermann, 2003); Arnisaeus did reckon with the possibility that different actors had different single rights of all the *iura maiestatica* and that thus a monarch remained *de facto* limited in his exercise of them, but he did deny that in every case the corporate people possess the rights of sovereignty. Sovereignty comes into the possession of a person or persons by contract, conquest or inheritance, and the specifics can vary.

¹⁹ Salmon, "Legacy", 507-10.

²⁰ See below, pp. 321-2.

of the seventeenth century. During most of the eighteenth century the Empire as a whole was addressed as 'Reichsstaat': a public order with sinews such as courts of laws, troops and official hierarchies. Only from the later eighteenth century, and in particular from the dissolution of the Empire in 1806, was the issue of possession of sovereignty reconsidered and the Empire increasingly adjudged not to be a *Staat* any more.²¹

Fifthly, in political philosophy the conceptual breakthrough to considering public order to be necessarily organized as a sovereign unit was made, at least within the Holy Roman Empire, arguably by Samuel Pufendorf.²² The new secular law of nature became strongly associated with this move. Whatever the legal or political reality in later seventeenthand eighteenth-century Germany, it was this Pufendorfian 'state', together with the gradual consolidation of the terminology of 'staat' mentioned above, that informed a growing number of princely servants about what public order properly should be, and the constitutional reforms since the later eighteenth century. Pufendorf himself openly stated that the Empire as a whole was not really suited to this idea and, indeed, the development of the 'modern state' with the concept of sovereignty associated with it remained in Germany strongly linked to princely territorial states, of which several became fully sovereign from 1806 and grew to become 'modern' sovereign states in the course of the nineteenth century. In the historiography concerning Germany, it is therefore primarily the princely 'territorial state' that is seen as the major engine and object of conceptual and actual modernization, not the Empire. It was, nevertheless, implicitly and explicitly the argument that any increase in the actual power of princely dynasties, including firmer control of their holdings and less dependence upon the king and Emperor as feudal overlord, necessarily signified the making of 'territorial states' and their eventual growth into 'states' in the modern sense of the term. Insofar as questions about sovereignty led to denying certain rights to the king and Emperor, the reception of Bodin may be said to have contributed to the development of the princely territorial state.

²¹ Paul Ludwig Weinacht, *Staat. Studien zur Bedeutungsgeschichte des Wortes von den Anfängen bis ins 19. Jahrhundert* (Berlin: Duncker & Humblot 1968).

²² Quaritsch, *Souveränität*, 75. See in particular Pufendorf's *Dissertatio politica de civitate* (Lund, 1676). I wish to thank Michael Seidler for this hint, and further refer to his "'Monstrous' Pufendorf: Sovereignty and System in the *Dissertationes*", in *Monarchism and Absolutism in Early Modern Europe*, ed. Cesare Cuttica and Glenn Burgess, 159–75 (London: Pickering & Chatto, 2011).

Sixthly, Quaritsch thus suggested that the reception of Bodin did have an influence not only on the emerging debate about the public law of the Empire, but also on the terminology and on understanding of the nature of princely rule. Yet he did not substantiate this claim. The examples he offers of the use of terms such as superioritas territorialis are confined to authors from Pufendorf and Leibniz onwards.²³ By that time, however, the gradual emancipation of public law had captured not only the debate about the rule of the king of Romans and the Empire as a whole, but also the rule of princes and other Imperial estates over their own subjects and the nature of their jurisdiction. The new core terms here were 'territory' and 'iure territorii'. With these terms, advisors of princes subsequent to Andreas Knichen's De Iure Territorii (Frankfurt, 1600)24 claimed a semiequivalence to royal rule over kingdoms in the hands of princes ruling over their subjects in their territories, claims only slightly qualified by their duties toward Empire and Emperor. The aims of princely advisors and jurists were: to transform scattered rights, legal relations and jurisdictions over scattered groups of persons into a single all-encompassing right from which comprehensive rights toward all of them could then be deduced; and to try to subordinate to this all-encompassing right as many persons as possible, not least by an extensive spatial definition of its applicability and subsequent inclusion even of families, neighbours, and corporations not hitherto subject to the prince at all.²⁵

While the nature of the legal strategy of jurists and advisors of the Imperial estates is well understood, the nature of the territorial state itself within the Holy Roman Empire remains deeply controversial. Some textbooks still claim that the roots of statehood in Germany—and thus of the princely territorial state—lie in late medieval princely rule and its gradual development of centralization, emancipation from outside interference, regularization of administration, power, and adaptation to changing ideas and categories, among them sovereignty over spatially defined districts. Examples for this argument cite, for example, the claim of the dukes of Bavaria that 'their' lands were 'free'—that is, free from obligations to the

²³ Quaritsch, *Souveränität*, 71, 76–77. Quaritsch deals only with the nature of the rule of the King of Romans, the Emperor, not with the rule of princes and other Imperial estates over their subjects.

²⁴ Quaritsch, Souveränität, 79, Stolleis, Öffentlichen Rechts, 147, 185.

²⁵ Dietmar Willoweit, Rechtsgrundlagen der Territorialgewalt: Landesobrigkeit, Herrschaftsrechte und Territorium in der Rechtswissenschaft der Neuzeit (Köln: Böhlau 1975).

king of Romans as feudal overlord.²⁶ It is difficult to see what such a claim has to do with a notion such as 'state' or even a claim for sovereignty in Bodin's sense. As a consequence of increasing terminological scrutiny, specialists in late medieval history remind us that neither the term nor the concept of 'state' or 'sovereignty' was used akin to modern usage in later medieval Germany with respect to princes and their holdings—or indeed, the sixteenth century—and should not be applied to the shifting princely dynastic agglomerates of later medieval Germany. Indeed, in historiography, only from the later nineteenth century did German historians increasingly back-project the term 'state', without any evidence in the sources, into the later medieval or even high medieval period. For terminological precision, Ernst Schubert suggests leaving this term out of the terminology of historians for the period and, rather, using the term *Fuerstenherrschaft*: that is, princely rule or lordship.²⁷

Seventhly, by the same token, the treaties of Passau (1552) and Augsburg (1555), that were later credited with introducing the formula *cuius regio*, *eius religio*, did not display either the term 'region' or the term 'territory'—let alone 'state'—in their wording. They only mention the estates of the Empire that were entitled—or not entitled—to administer certain ecclesiastical concerns, in general deemed to resemble the powers of bishops in their dioceses, in particular episcopal jurisdiction over laity and clergy.²⁸ Since the distribution of people and lands claimed by the

²⁶ Joachim Bahlcke, *Landesherrschaft, Territorien und Staat in der frühen Neuzeit* (München: Oldenburg, 2012) offers no definition of 'state', but holds (p. 20) that the mid thirteenth century claim of the Bavarian dukes that "their lands are free lands (ire lande freie land)" was evidence for the long-term change of "Landesherrschaft (lordship over a land)" to territorial state.

^{27'} Ernst Schubert, *Fürstliche Herrschaft und Territorium im späten Mittelalter* (München: Oldenburg, 1996), 1–12.

²⁸ Robert von Friedeburg, "Cuius Regio, Eius Religio: The Ambivalent Meanings of State Building in Protestant Germany, 1555–1655", in Diversity and Dissent. Negotiating Religious Difference in Central Europe, 1500–1800, ed. Howard Louthan, Gary B. Cohen, Franz A. J. Szabo, 73–91, especially 78–80 (New York: Berghahn Books, 2011). On the Treaty of Passau, Der Passauer Vertrag (1552), Einleitung und Edition, ed. Volker Henning Drecoll, 25, 31 (Berlin: Walter de Gruyter, 2000). The wording of the Augsburg peace of 1555 is in Kaiser und Reich: Verfassungsgeschichte des Heiligen Römischen Reiches Deutscher Nation vom Beginn des 12. Jahrhunderts bis zum Jahre 1806, ed. Arno Buschmann, 2 vols. (Baden Baden: Nomos, 1994), 1: 217, 219, 224. The text of the Augsburg accord is mentioned in article 4, Churfürsten, Fürsten und Gemeinen Ständen. The activities to which the adherents of the Augsburg confession were entitled—save for members of the Imperial church—were addressed as Augsburgische Confessions-Religion..., so sie aufgericht oder nochmals aufrichten möchten. It became more or less common usage to identify these activities with those of the administration of a diocese and the jurisdiction of bishops over clergy and laity. But there is no

adherents of the Augsburg confession did not in general coincide with the borders of the dioceses existing at that time, the areas of these dioceses, even where these were fairly well consolidated, could not become blueprints for emerging territorial states from the Reformation onwards. Indeed, the only legal unit above the parish and municipality at that time regularly consolidated into a spatially defined district with reasonably clear-cut borders and comprehensive rule over all subjects living in this district—though not over persons not deemed subject—was the *Amt*. An Amt, headed by an Amtmann with administrative and jurisdictional powers derived from the prince, was a small district with several villages and generally a small town of a few thousand inhabitants, in most instances significantly smaller than, for example, an English county. It emerged during the later Middle Ages as a major administrative unit for the prince's demesne: that is, for those villagers and townspeople directly subject to his jurisdiction and for tenants on his lands. Noble and ecclesiastical villages and farms could remain geographically within such a district without being part of it. What is more, principalities were not organized into such districts: they were made up of them.²⁹ Districts were rarely split up for purposes of mortgaging or providing princely offspring with resources, whereas principalities regularly were so divided. In the sixteenth century, the basic territorial unit was thus the *Amt*, emphatically not the principality that the prince had received as fief.

Eighthly, the formula *cuius regio*, *eius religio* did not necessarily imply that the *regio* in question must be a spatial district. The argument connecting rule over a territory or possession of *iura territorii* to certain rights over the church appeared in the sources only from 1587 onwards: that is, from the point in time when a Latin Bodin had become available. As Bernd Christian Schneider has shown in his major work, even the distinguished legist Joachim Stephanus, who is credited with coining this formula, did so when attempting to explain the rights of civil princes concerning the church in terms of their receiving the rights of bishops in 1552 and 1555. He framed his story in such a way as to suggest that possession of a certain region, of territorial superiority or of a territory,

sense whatsoever of a spatial district over which rule is supposed to be administered in these agreements. That was not the issue.

²⁹ Christian Hesse, *Amtsträger der Fürsten im spätmittelalterlichen Reich* (Göttingen: Vandenhoeck & Ruprecht, 2005), 192.

had to be mentioned in the context.³⁰ The issue to Stephanus was not to specify spatial districts as territorial states, but to explain the church's juridical situation with respect to the Imperial estates. However, the view that the new administration of ecclesiastical affairs by German princes had come about through transfer of episcopal rights came under increasing scrutiny, for it was barely conceivable that bishops should ever have exercised a choice between two different confessions, one of which had to be heretical. Although it had seemed practical for some time to assume that princes had received their right to reform the church from bishops, it proved not to be a feasible line of argument. Therefore, another argument had to be formulated. In any case, even those who seem to have favoured an explanation in such episcopal terms often mentioned as well some connection of jurisdiction over the church with territorial superiority and corresponding rights. Therefore, there appeared to be not much option other than somehow to subsume the *ius reformandi* under the *superioritas* territorialis. It was from the 1620s that this strategy—the ius reformandi as a consequence of the *superioritas territorialis*—became established.³¹ The celebrated jurist Christoph Besold, rector of the University of Tübingen and towering authority in Lutheran Germany, took part in this development. But although he himself used the term superioritas territorialis, he none the less qualified fundamentally the existence of closed territories by distinguishing persons and lands in territorio—geographically located in a territory, but not subjected to its ruler—from persons and lands de territorio-and thus did not commit to a view either of self-contained territorial states or of state sovereignty for princes.³²

To conclude, neither in practical politics nor in legal thought did the Reformation usher in principalities as spatial districts under sovereign

³⁰ Bernd Christian Schneider, *Ius Reformandi: die Entwicklung eines Staatskirchenrechts von seinen Aufängen bis zum Ende des Alten Reiches* (Tübingen: Mohr Siebeck, 2001), 238, 308–312, 312 on Joachim Stephanus, *Institutiones iuris canonici* (1599), I.vii, nota 52: "ut cuius sit regio, hoc est ducatus, principatus, territorium seu ius territorii, eius etiam sit religio, hoc est ius episcopale seu iurisdictio spiritualis". See on this Ronald Asch, "No Bishop, No King oder *Cuius Regio eius Religio*. Die Deutung und Legitimation des fürstlichen Kirchenregiments und ihre Implikationen für die Genese des "Absolutismus" in England und Deutschland", in *Der Absolutismus—ein Mythos?*, ed. Ronald G. Asch and Heinz Duchhardt, 79–123, especially 86–7 (Köln: Böhlau, 1996).

³¹ Schneider, *Ius reformandi*, 311, 317–318, especially 317 in respect of Christoph Besold's, *De iurisdictione*, 52: "sequela superioritatis territorialis". The distinction between episcopal, territorial and collegial theories of princely administration of church matters must therefore be handled with caution.

³² Friedeburg, "Cuius regio", 82-6.

princes; the term 'territory' in relation to rights over the church appeared rather as an academic construct than as a description of legal or political facts. To be sure, already in 1535 clergy placed with their lands and homes under the jurisdiction of a prince or city, and not simultaneously subject to another higher authority or to the Emperor, were regarded by the members of the Schmalkaldic League as legitimate targets for subjection to 'reformation'.33 This approach was similar to that of Georg of Saxony, a staunch supporter of the church of Rome, and his attitude towards the lower clergy in his sphere of influence. However, it was only from 1587 that the possession of a territory and the right to reform the church appeared as arguments launched and countered in legal battles over reform. From then on, despite the awkward realities of law and politics, legal and political thought in Germany moved relentlessly toward assuming the presence of territorial states and princes with superiority over them. And it was the middle third of the seventeenth century when the term and concept of 'state' acquired in German parlance a recognizably modern meaning.

This survey of the research landscape leaves us with two questions: Did the increasing assumption of *superioritas territorialis* with respect to the Imperial estates rely to any extent on Bodin, or on indigenous developments of arguments within the Empire? And what relationship was there between the reception and impact of Bodin and the changes just noted during the second third of the seventeenth century, when the assumption of territorial states received further shape?

2. Uses of Bodin, 1590s-1620s

To be sure, assumptions concerning princely authority as organized in spatial districts with comprehensive rule had deeper roots. So, too, did opinions among the princes, cities and counts that followed Luther about which clergy to address for 'reform'. They are traceable to the 1530s.

In 1535, the members of the Schmalkaldic league began systematically to consider that clergy situated with their lands and homes under the higher jurisdiction of a Protestant prince or city, and not simultaneously under another higher authority or the Emperor, were subject to the 1526 compromise that allowed the members of the Imperial estates to proceed in ecclesiastical matters as they might think fit in relation to

³³ Willoweit, *Rechtsgrundlagen*; Gabriele Haug-Moritz, *Der Schmalkaldische Bund 1530–1541/42* (Leinfelden: DRW Verlag 2002), 515–18.

God and Emperor.³⁴ The strategy of re-interpreting existing social, legal or geographical relations as proof of subordination to a higher jurisdiction and proceeding from there to specify a formal condition of subjection gained increasing momentum. Indeed, jurists began to take account of the geographical location of a person or corporation in order to substantiate claims to jurisdiction and rule over them. Ulrich Zasius is a case in point. He argued that fiefs in the Empire had their origin in the history of the later Roman Empire.³⁵ He assumed that legal relations between lord and vassal originated in arrangements among Roman patrons and their clients that had been introduced into occupied areas.³⁶ At first only the Roman Emperor and then every rex in regno could give a fief.³⁷ Zasius further elaborated that the higher nobility in Germany were descended from leaders of Imperial troops who had probably been given lands by the Emperors.³⁸ In his argument on legal disputes regarding fiefs, he stressed that fiefs had geographical boundaries. Thus, the geographical situation of a person or corporation could be indicative of whether they were located within a fief and thus subject to certain dues and services.³⁹

Also in respect of the Roman Empire, the nature of rule over subjects by officeholders beneath the Emperor was addressed. Examples are definitions tied to terms such as 'patria' in Jakob Spiegel's Lexicon Iuris Civilis (1549), a major textbook of the period.⁴⁰ For the term patria, reference was made to the provinces of the later Roman Empire. These had been run by the presides provinciarum, hence, an example of this new meaning of patria. Having cited among the listed meanings (significationes) of

³⁴ Willoweit, Rechtsgrundlagen; Haug, Schmalkaldischer Bund, 515–18.

³⁵ Ulrich Zasius, *Usus feudorum epitome* (Leiden, 1536). Here I have used *Omnia Opera*, IV (Lyon 1550), 244–341.

³⁶ Zasius, *Usus*, col. 244, 1: "Siquidem ab urbis Rom. initio potentes populariu causas tuendas susceperunt, quos clientes nominabant, qui se & sua in potentum ditionem commendabant... Verissimile est, cum Romani in provinciis Gallia, Germania & alibi victricia signa circumtulissent bonaque pars militum Romanoru in provinciis remansisset, ipsos cum multum eis esset agri, vicinos pro clientulis invitasse, eisqu. agros & fundos nomine clientelae concessiss, atque ita temporis, quod omnia variat, processu, feuda, caeterasque id genus emersisse concessiones".

³⁷ Zasius, *Usus*, col. 255, 5.

 $^{^{38}}$ Zasius, Usus, col. 255, 6: "Nos ducis originem ab exercitus Romani ducibus emanasse putamus, quos ab Romani Imperii Principibus , territoriis donatos esse verisimile est Ducibus ut tamen verisimile recognoscant".

³⁹ Zasius, *Usus*, 327: "...quo loco fieri potest, ut idem vasallus in Curia et extra Curiam diversis respectivus nominari possit".

⁴⁰ See Steven Rowan. *Ulrich Zasius: a Jurist in the German Renaissance 1461–1535.* Frankfurt: Klostermann, 1987.

patria the 'patria potestas' (the legal power of the father over his family), Spiegel also interpreted patria as 'provincia', a spatially defined district. Its head was allegedly endowed with all powers and administrative agencies necessary to the maintenance of political order (ordinationes politiae).⁴¹ Nicolaus Vigelius, an influential jurist from Marburg University, edited a further version of this dictionary in 1577 and added a reference to Johannes Oldendorp's *In Verba Legum XII Tabularum Scholia*. These references were included in the later edition of the same dictionary, the *Lexicon Iuridicum*, of 1612.⁴² Terms such as patria and provincia began to acquire a meaning indicating geographically clear-cut spatial districts with comprehensive government over anyone residing in the district.⁴³

The 1614 edition of Johannes Althusius's *Politica* is a case in point. Within the *regnum*, according to Althusius, were "provinces"—the areas of jurisdiction of the Imperial estates—which, by Althusius's approach, were treated as having legal personalities (*universitates*). Tellingly, he defines them as *complexus territorii*—not as *territorium*—"under mutual participation in and administration of one law (*sub juris unius communione & administratione*)". His first chapter on the issue is mainly concerned with the administration of the cult.⁴⁴ A very strong emphasis is laid on the conciliar role of elders and estates and the exclusion from such office of illiterate and simple people.⁴⁵ Bodin plays virtually no role in the argument at this specific place, apart from a short discussion on duties (*munera*) attached to living in the province (Book 3).⁴⁶ In the next chapter, Althusius addresses the roles of the head and *ordines* of the

⁴¹ Spiegel, Lexicon iuris civilis, ex variis autorum commentariis (Basel, 1549), 426.

⁴² Nicolaus Vigelius, *Institutiones iuris publici* (Basel, 1577), 2010–201; Johannes Oldendorp, "In Verba Legum XII Tabularem Scholia", in Oldendorp, *De magistratibus*: in *Opera Ioannis Oldendorpii iurisconsulti . . . : annotationes in I librum Pandectis* (Basel, 1559), Tit. II, c. XV, p. 39, alleging that the rights of the *presides provinciarum* had re-emerged as part of the transfer of *imperium* and were now the "mandatis principum"; Hermann Vultejus, ed., *Lexicon iuridicum* (Köln, 1612). On the heads of the provinces see also Nicolaus Vigelius, *Methodus uiversi iuris civilis* (Basel, 1601), 32–33.

⁴³ For example, Johannes Althusius, *Dicaeologicae libri tres: Totum universum ius, quo utimur methodice complectentes* (Herborn: apud C. Corvinum, 1617), I, cap. 113: "patriae suae administratione"; Althusius, *Jurisprudentia Romana methodice digesta libri duo* (Herborn: ex typ. C. Corvini, 1607), cap. IX; see for disputations works such as by Heinrich Kornmann, *Ad municipalem et de incolis. Roma communis nostra Patria est: Commentarius* (Marburg, 1604).

⁴⁴ Althusius, *Politica* (Herborn: s.n., 1614), cap VII, n 1. I used the edition by Carl Friedrich, *Politica methodice digesta of Johannes Althusius* with an Introduction by Carl Joachim Friedrich (Cambridge, MA: Harvard University Press, 1932).

⁴⁵ Althusius, *Politica*, cap. VII, n 40.

⁴⁶ Althusius, *Politica*, cap. VII, n 45, referring to Bodin, *De republica libri sex*, III.

province, the prince and the estates, both civil and ecclesiastical.⁴⁷ The estates, and in particular the knights, are under obligation to defend the province, their fatherland.⁴⁸ He acknowledges the administration of rights of *maiestas* in the hands of the heads of the provinces, their acknowledgement of the Emperor as superior, and the fact that they themselves possess certain rights.⁴⁹ Indeed, Althusius acknowledges that the *praeses* have similar functions in the province as the supreme magistrate in the *regnum*, "except for superiority, preeminence and certain other things specifically reserved to the supreme magistrate who does the constituting".⁵⁰ In his debate about the relation of these rights to those of the Emperor, Bodin is not used. Rather, the established discipline of feudal law and the emerging Imperial public law with authors such as Joachim Mynsinger, Roland A Valle, Heinrich Rosenthal and others are referred to.⁵¹

In the fourteen pages of definitions which open his *Doctrina politica*, Bodin's great rival and opponent, Henning Arnisaeus, mentions the Angevin only once, when addressing as *majestates* those governing and having *imperium* over those obeying.⁵² But he has no time either for Bodin's Platonism, or for detailed descriptions of majesty. His main point is rather the functional need for any human society to have government, and thus to be organized into those obeying and those giving orders (*Imperantibus* & *Obediantibus*).⁵³ None of this detracts from the significance of Bodin for both Althusius' and Arnisaeus' discussions of majesty in general—as mentioned above. But they do not refer to these discussions when addressing the princely territory.

⁴⁷ Althusius, *Politica*, cap. VIII, nn. 3, 4.

⁴⁸ Althusius, *Politica*, cap. VIII, nn. 40-42.

⁴⁹ Althusius, *Politica*, cap. VIII, n. 53: "praeses...caput provinciae.... Praesides... praefecti.. rectores provinciarum suum superiorem, summum regni magistratum.. agnoscant:...tamen jura majestatis & principis in suo districtu & territorio habent..."

⁵⁰ Althusius, *Politica*, 83: "tamen jura majestatis & principis in suo districtu & territoriu habent, & vicem summi principis obtinent, atque tantum..."; translation by Frederick S. Carney in his abridged edition of *The Politics of Johannes Althusius* (Boston: Beacon, 1964), 57.

⁵¹ References to Rosenthal, Roland a Valle and Mynsinger in Althusius, *Politica*, cap. VIII, n. 53. The secondary literature on them remains scarce, but see now Sabine Schumann, *Joachim Mynsinger von Frundeck (1514–1588). Herzoglicher Kanzler in Wolfenbuettel, Rechtsgelehrter, Humanist* (Wiesbaden: Harrassowitz, 1983). I am not aware of a more modern and extensive treatment of Valle, but see the still useful Simon van Leeuwen, *Commentaries on the Roman-Dutch Law* (London: Strahan, 1820), 248.

 $^{^{52}}$ Henning Arnisaeus, Doctina politica in genuinam methodum, quae est Aristotelis, reducta (Frankfurt: Johann Thiemen, 1606), Book I (De Republica constituenda), cap. 1, "De constitutione Politices".

⁵³ Arnisaeus, *Doctrina politica*, I, i: 12–14, 14.

However, the major example of the failure of Bodin's ideas to impact upon consideration of the emerging territorial rights of the members of the Imperial estates is Andreas Knichen's *De sublimi et regio territorii iure*. ⁵⁴ It was he, rather than Althusius or Arnisaeus, who wrote what could be regarded as the conceptual bible of the new territorial law of the princes. Its logic and intentions emerge beautifully from this book. The work is explicitly mentioned in Quaritsch's account ⁵⁵ as an example of the successful introduction of the terms 'territorial right' and 'territorial superiority'. But, *pace* what Quaritsch suggests, Knichen works entirely without Bodin. Indeed, the concept of *maiestas* is not important for his argument.

In an edition of approximately 600 pages, a third of the book is occupied by the first chapter, "On Autocracy (autocratia)". This spells out the nature of rule simultaneously by the later Roman emperors and by their leaders in the field during the later Empire, leaders often recruited from Germanic tribes.⁵⁶ These were the *duces* of the sources. Knichen suggests that this group was transformed over time into the princes on German soil. He assumes that they had, in the early Middle Ages, provinces or areas of influence of their own.⁵⁷ His account builds on earlier assumptions about the origin of German princes discussed above. The Franks then allegedly emulated the institution of the Roman duces, and so the group further established themselves.⁵⁸ From earliest records, this group ran the kingdom and Empire together with the king and emperor. Thus, to Knichen, the Empire was never a proper monarchy such as France or England.⁵⁹ Knichen then proceeds to the core of the issue. These princes had received whatever they had as fief.⁶⁰ And this fief and what it entailed was now interpreted as necessarily including and signifying comprehensive royal jurisdiction and royal rights, summarized as superiority, or Landesobrigkeit, over a defined territory. The major source of reference remained the fourteenth-century jurist Baldus de Ubaldis.⁶¹ Every prince, count or duke was thus in his territory *Landesherr*. The fact of fiefs being

⁵⁴ Andreas Knichen, *De jure territorii* (Frankfurt: 1600): edition used here, Frankfurt: Typis & Impensis Balthasari Christophi Wustii, 1658.

⁵⁵ Quaritsch, Souveränität, 79.

⁵⁶ Knichen, De iure territorii, 67–71.

⁵⁷ Knichen, De iure territorii, 84–89.

⁵⁸ Knichen, De iure territorii, 89.

⁵⁹ Knichen, De iure territorii, 130.

⁶⁰ Knichen, De iure territorii, 153.

⁶¹ Knichen, De iure territorii, 168.

given from the Empire to counts and princes is thus translated into the existence of territories complete with jurisdiction and rights akin to royal rights and jurisdiction, or to the exercise of royal jurisdiction within the confines of the territory. From the time of Otto I, bishops too began to exercise these rights—for the Protestant Knichen, a convenient pointer to the illegitimacy of their usurpation.⁶² Superiority was thus in effect a concession possessed by the princes to exercise royal rights over such a defined territory and its inhabitants.⁶³ No territory was ever without such jurisdiction and royal rights, no duke or count ever without territory. Possessing a fief was thus argued to be proof of having a territory complete with royal jurisdiction. And a territory was argued to be a clearly defined district in spatial terms, describing the extent of the jurisdiction.⁶⁴ The one (that is, jurisdiction) could and did not exist without the other (that is, territory).65 While there had been and was still the act of the fief's transfer from king to prince, in Knichen's day (that is in 1600) these territories and the royal rights and rights of jurisdiction inherent in them were conceded in perpetuo.66 And whatever qualifications to their enjoyment of royal power the princes accepted vis-à-vis the king, vis-à-vis their subjects they exercised plenitudo potestatis.⁶⁷ According to Knichen, they governed their subjects de facto and to all practical purposes de jure too without the consent of the Emperor.⁶⁸ For the princes were not vicarii, civil servants or representatives of the Emperor, but rulers in their own hereditary right.69

The second chapter of Knichen's work describes the comprehensiveness of this right of superiority. In his territory, the prince enjoyed *omnia jura regia & imperialia*. Chapter III gives examples. It assumes the presence of clear-cut territorial borders, though the formulations used refer to the spatial borders of rural communities, cities or districts. Knichen mentions the "covenants of division and separation (*conventiones divisionis & separationis*)", the *Abschiede* and "decisions of judicial inquirers and judges

⁶² Knichen, De ure territorii, 171.

⁶³ Knichen, De iure territorii, 174.

⁶⁴ Knichen, De iure territorii, 189-91.

⁶⁵ Knichen, De iure territorii, 192.

⁶⁶ Knichen, De iure territorii, 199.

 $^{^{67}\,}$ Knichen, De iure territorii, 199.

⁶⁸ Knichen, De iure territorii, 200.

⁶⁹ Knichen, De iure territorii, 201–2.

⁷⁰ Knichen, De iure territorii, 208–10.

⁷¹ Knichen, De iure territorii, 243.

(sententias arbitrorum & iudicium)":72 that is the Hausgesetze, the dynastic agreements within princely houses to divert or not divert parts of the fief to various branches of the dynasty and to regulate inheritances, and the accords with local and regional vassals, all becoming part of the emerging public territorial law of the emerging territories. But while these often constrained the powers of a given branch of a princely house and divided alleged territories in order to provide for princely offspring, Knichen mentions these legal sources only to insist on the tangible reality of the fief as spatially defined district.⁷³ He also summarizes a large number of individual rights, on hunting services, on the duty of subjects to pay homage. These underline that the reality of princely rule still consisted of a plurality of various rights in relation to a plurality of different groups of natural persons with varying legal status. But Knichen uses these examples in order to discover indicators of the existence of territorial superiority. He uses them as particular instances and as proof of the existence and possession of the larger, all-encompassing territorial superiority. So whoever had appeared if only once at a single diet, or had served the prince's hunt, or had otherwise figured in any legal record in relation to the prince, could now be assumed to be subject to this much more comprehensive right of territorial superiority. Further, giving a law or publishing an edict is mentioned as an emanation of this larger right.⁷⁴ The practice of princes and counts to publish edicts vis-à-vis persons they proposed to subjugate to their superiority was thus taken fully into account. And of course, Knichen discussed how often such a right needed to be exercised toward a given person, or at what point evidence for the exercise of a certain right did provide sufficient proof of the actual possession of this right toward another group and thus of superiority toward this group.⁷⁵ For none of that was Bodin cited; for none of it was reference made to him.

⁷² Knichen, De iure territorii, 243-9.

⁷³ See on the changing choice of legal sources in particular by Knichen, Stolleis, *Öffentlichen Rechts*, 146/7, though his emphasis is on Knichen's allegation that one should plainly use territorial law, rather than on the way in which Knichen attempted to construct such a law.

⁷⁴ Knichen, De iure territorii, 252-302.

⁷⁵ Knichen, De iure territorii, 274.

3. Bodin in Conring's Thought

Conring is rightly seen as a towering authority in seventeenth-century German political thought. Supervising defences of doctoral theses and publishing a host of material from the 1630s onwards, Conring was long remembered mainly for his attack on the notion that Roman law had become valid positive law in Germany. He shared this attack with a number of other writers. He is now primarily known for his gradual emancipation from Aristotle and his work on the history of German public law and the theory of politics.⁷⁶ Conring himself reiterated relentlessly that German public law was relatively independent from Roman law, and the historic Roman Empire from the German Empire. He did so not least in order to undermine notions of historic rights which subjects or territorial estates could claim. Conring regularly figures in research on the development of German public law, although it is acknowledged that he operated as a professional outsider. He was professor of natural philosophy and medicine; early works of his attempt to transfer ideas about the human blood circulatory system to the body politic. 77 Michael Stolleis has stressed that Conring focused on the Empire as a collective of Imperial estates, possessing sovereignty and able in agreement with each other to change the Imperial fundamental laws—within the limits of divine law and law of nature.⁷⁸ This meant the removal of Imperial mandate and Imperial feudal law as valid legal protection for the territorial estates against their princes. Stolleis emphasized that this position reinforced a measure clearly attempted by the Imperial estates at the Diet of 1653: to let the territorial estates by law of the Empire pay for the princes' defence costs.⁷⁹

When Stolleis published his book the rise of territorial absolutism was still treated as a more or less inevitable development. We now appreciate that what triumphed was, rather, constitutional and historical relativism. Even so, Conring was indeed among those who pushed hardest, especially in the period directly following the defeat of the Emperor in the Thirty Years War, for an interpretation of the legal framework in terms

⁷⁶ Stolleis, Öffentlichen Rechts, 231–3.

⁷⁷ Christian Wilhelm Engel, *Disputatio politica de mutationibus rerumpublicarum, sub praesidio Hermann Conringi, medicinae doctorandi, naturalis philosophiae in incluta Iulia professoris publici* (Helmstedt: Lucius, 1635), Thesis I, A2–3. Dreitzel, "Politische Philosophie", 666.

⁷⁸ Hermann Conring, *De nomothetica* (Helmstedt: Mullerus, 1663), in Stolleis, Öffenltichen Rechts, 233.

⁷⁹ Stolleis, Öffentlichen Rechts, 233.

of maximum rights for the princes to legislate by their own will, and correspondingly minimizing the constraints imposed by existing legal arrangements—a tendency directly opposite to Melchior Goldast's, for example.⁸⁰ Although Conring was formally Lutheran in religion, his philosophical outlook emancipated him from any confessional allegiance. Thus, on fundamental metaphysical issues he held that matter cannot be created, but changes constantly; and that, notwithstanding knowledge derived from revelation, it is questionable whether the soul remains beyond such change. From this perspective, the Reformation is primarily seen as recovering ecclesiastical jurisdiction from Rome to the princes.⁸¹ The position is, however, ambivalent: on the one hand, a certain reluctance to render ecclesiastical discipline enforceable by the prince; on the other, dispute over ecclesiastical influences in politics.

As mentioned above, Conring's commitment to medicine and natural philosophy affected his thinking on politics. In his view, the aim of the discipline of politics had to be to understand the "structure, change, disintegration and restoration of a healthy body or body politic".82 Conring developed this approach in the wake of Arnisaeus, the main protagonist of princely absolutism in the Empire. Given this background, he did not adopt the emerging conception of the new secular law of nature propagated by Hobbes or by Pufendorf.⁸³ Politics, to Conring, is the science of leading and keeping together the civil community. Appropriate actions have to be assessed on the basis of what is necessary and useful to the civil community, and chiefly by reference to the hierarchy of order and subjection—within the Empire—to the princes. The overriding aim remains the "community [organized] for the sake of living well and happily (societas bene et beate vivendi causa)", but for this aim extraordinary means are legitimate to safeguard the rule of the prince as its functional prerequisite.84 While every exercise of rule is bound by natural law and divine law, these remain abstract principles, by no means identical with the confessional creeds of the established churches,85 and insufficient to bind the ruler. This functional approach to the need for absolutism, qualified only by a—rather dismissive—assessment of Empire, Emperor,

⁸⁰ For Goldast see above, p. 296.

⁸¹ Dreitzel, "Politische Philosophie", 667.

⁸² Dreitzel, "Politische Philosophie", 667–8; quotation at 668.

⁸³ Dreitzel, "Politische Philosophie", 668.

⁸⁴ Dreitzel, "Politische Philosophie", 668.

⁸⁵ Dreitzel, "Politische Philospohie", 670.

and Imperial laws, was transferred plainly by Conring to the princes' polities.

In Conring's *De civili prudentia*,⁸⁶ chapters 5–6 follow Arnisaeus's neo-Aristotelian approach: that the matter of civil society needs to be informed by the order of subjection, the *respublica*, and that order depends upon the exercise of the right of *maiestas* at the hands of the prince. Individual *disputationes* give a sharp edge to these propositions. For example, in Conring's *disputatio De regno*, the existence of a state of nature without human directives to guide individuals is assumed: hence the need to establish rule to govern the diversified people with essentially unconstrained power. All liberties that individuals enjoy they enjoy only "under force and under laws (*infra vim & infra leges*)".⁸⁷

In his *dissertationes* Conring was more adventurous in advancing his positions, and his campaign to render relative or to undermine all substantial legal restraint upon princely rule came more to the fore. Among his philosophical starting points is an almost Machiavellian sense of general and universal change in all human relationships.⁸⁸ The law of nature lacks clarity in terms of its applicability to actual human actions.⁸⁹ Almost all constitutional arrangements are historically possible;⁹⁰ while the one unchanging structure remains the evil disposition of men who, therefore, are remorselessly in need of rule.⁹¹ Rule cannot be exercised by the *universitas*: here Althusius is entirely wrong;⁹² and the prince, the natural person functionally indispensable to possession of *maiestas* and exercise of rule, must not be under laws.⁹³ Against this background, and in accordance with varying and changing historical circumstances,

⁸⁶ Hermann Conring, *De civili prudentia liber unus* (Helmstedt: Mullerus, 1662); Dreitzel, "Politische Philosophie", 670.

⁸⁷ Hermann, Dissertatio politica de regno (Helmstedt: Mullerus, 1650), LVII–LIX.

⁸⁸ Conring, Dissertatio politica de regno, XIII.

⁸⁹ Conring, Dissertatio politica de legibus (Helmstedt: Mullerus, 1643), XVI.

⁹⁰ Conring, *Disputatio politica de mutationibus rerumpublicarum* (Helmstedt: Lucius, 1635); Conring, *Theses politicae de ortu et mutationibus regnorum* (Helmsted: Mullerus, 1658), in particular XXXI, and XLVI for agreement with Machiavelli on the impossibility to foresee all human fortunes.

⁹¹ Conring, Disputatio politica de subjectione et imperio, publice defendit Ernesto Conerding (Helmstedt: Lucius, 1635), LXVI, LXXXI; Conring, Exercitatio Politica de maiestate imperantium (Helmstedt: Mullerus, 1648), XXIII, LXII.

⁹² Conring, *Dissertatio politica de democratia* (Helmstedt: Mullerus, 1643), XXII, XXXII–XXXIV; Conring, *Dissertatio politica de regno*, XXVI, XXIX, XXX.

⁹³ Conring, *Disputatio politica de regno et tyrannide* (Helmstedt: Mullerus, 1640), A₃, XI, XIV—his clear-cut rejection of the idea of rule as administration of given laws only.

despotism (dominatus) is entirely legitimate.94 In any case, the people (populus) never were and never are part of the political structure proper through forming a single legal person (universitas).95 In Germany it was the princes and the Frankish nobility, never the people, who possessed rights to govern.96 The pope had no right of jurisdiction there whatsoever, and the church was no res publica of its own. The emperor reigns only with the princes and was never their king in a true sense.⁹⁷ Laws in Germany changed massively over time and their contents are mostly uncertain. Conring refers to the work of antiquarians such as Goldast, but their collections can only give a glimpse of past conditions, and the changing meaning of words makes interpretation difficult.98 The void is filled by the constitutions for the princes' lands, such as the "constitutiones patriae" for Brunswick Wolfenbüttel, or the Magdeburg laws, made by the prince. For what was not explicitly forbidden within the Empire as a whole could be done by the prince.⁹⁹ While Conring is too aware of the actual legal situation of the Empire to identify it as an 'aristocracy' (and thus disagrees with Bodin), he dismantles with philosophical and historical arguments all possible legal constraints upon princely rule, from specific elements of the law of nature to alleged historic laws of Germany as Goldast had attempted to establish them. Arnisaeus had prepared the ground for absolutism to be promoted at the princely level, by emphasizing constitutional relativism, denying any basic constitution applicable to all polities, and insisting on a hierarchy of order and subjection. Now Conring discerned historical grounds by denying, against proponents of an historic constitution, that such an unchanging constitutional constraint had ever existed. By insisting on normative negativity, including denying specific divine prescription for human constitutions (for absolutism to be promoted on the princely level as in De regno, LVII), he exposed the legal void for territorial absolutism. In particular, in the 1650 edition of De Regno he pursued his themes against the perceived background of disastrous popular

⁹⁴ Conring, De regno et tyrannide, XV, XXI.

⁹⁵ Conring, Exercitatio historico politica de republica. De republica antiqua veterum Germanorum (Helmstedt: Mullerus, 1654).

⁹⁶ Conring, Exercitatio de Germanici Imperii civibus (Helmstedt: Mullerus, 1641), XXVI.

⁹⁷ Conring, Exercitatio politica de ducibus et comitibus Imperii Germanicii (Helmstedt: Mullerus, 1643), VII, XXII; Conring, Exercitatio historico politica de republica De republica antiqua veterum Germanorum, XXXI.

^{98'} Hermann Conring, *De origine juris Germanici* (Helmstedt: Mullerus, 1643, 3rd edition 1665), cap VII, 26–33.

⁹⁹ Conring, De origine juris Germanici, 218-219.

rebellions in the British Isles, in France (Fronde $_{1648-53}$) and in Naples ($_{1647}$), and so attempted utterly to destroy any basis for advocating constitutional restraint accompanied by modes of punishment in the hands of representatives of an ordered $populus.^{100}$

In particular, in his historical description of the evolution of the constitution of the German Empire Conring explained the evolution of the rule of German counts and dukes over their lands, terming these lands "provinces". That rule was not quite "absolute (potestas absoluta)", nor did these potentates have majesty (maiestas), but they did administer a higher law and overlordship in various forms: "ius superioritas, Landesfürstliche Obrigkeit/Landesobrigkeit und Herrligkeit)". ¹⁰¹ By tracing the origins of this process as far back as the early Middle Ages, under King Conrad of the eastern part of the Franconian realm, he de-emphasized the feudal obligations of princely vassals to the Emperor as much as possible and stressed the hereditary right of German princes (and imperial counts) to rule over their "provinces". ¹⁰² For this he did not refer to Bodin at all.

Indeed, in his *disputationes* Conring used Bodin very sparingly. The *disputatio* on subjection and *imperium* relied primarily on Aristotle, Molina and Grotius. ¹⁰³ *De regno et tyrannide* referred to Bodin alongside Arniseaus for the functional need of monarchy—as opposed to, for example, several kings—to run a kingdom. ¹⁰⁴ Bodin is also vouched to warranty when the danger of public debates among the people is discussed, ¹⁰⁵ or the problems that arise in cases of entirely incompetent but dynastically legitimate successors. ¹⁰⁶ In the *disputatio* on the laws, Bodin is referred to in respect of law as an order of the person wielding majesty. ¹⁰⁷ In *De Regno*, Bodin gains mention as one writer amongst others concerning *imperium* in the hands of a single person (LVI). Even at such a central juncture as Conring's definition of *maiestas* in his treatise on the right of majesty over the church, he does not refer to Bodin. ¹⁰⁸

¹⁰⁰ Conring, De maiestate Imperantium, LXII.

¹⁰¹ Conring, De ducibus et comitibus Imperii Germanicii, XXII.

¹⁰² See also Conring, De Germanici Imperii civibus, V-XXV.

¹⁰³ For example, De subjectione et imperio, XXIII-LX.

¹⁰⁴ De regno et tyrannide, X, reference to Bodin, De republica II.ii; Arnisaeus, Politica, cap 9.

¹⁰⁵ De regno et tyrannide, LXXV, to Bodin, De republica VI.v.

¹⁰⁶ De regno et tyrannide, LXXIX to Bodin, De republica, VI.v.

¹⁰⁷ Conring, De legibus, III-IV.

¹⁰⁸ Conring, Exercitatio politica de maiestatis civilis (Helmstedt: Mullerus, 1645), II.

In the context of jurisprudence, Conring's seeming irreverence towards the written laws was problematical, especially when set alongside a substantial number of jurists who argued procedure and positive law on the basis of an increasing number of law-collections. At Helmstedt, a colleague who tried to revise textbooks along lines more appropriate to Conring's vision was Heinrich Hahn, a major jurist who tried to eliminate the people as "efficient cause (causa efficiens)" in the making of law. The people being completely subjected to the prince by their implicit or explicit agreement to his rule, the *potestas* to make laws remained with him alone. This process is visible in Hahn's observations on the work of the sixteenth-century Flemish jurist Mattheus van Wesenbeek (alias Mathias Wesenbeck).

Heinrich Hahn was mainly interested in aspects of private law. His principal publications are the *Observata theoretico practica ad Matthaei Wesenbecii in L libros Digestorum commentarios*, Ha commentary with annotations on Wesenbeck's *Paratitla in Pandectarum iuris civilis libros quinquaginta* (1566). These in turn were a major contribution to the early *usus modernus*, a treatment of civil law that discussed the applicability of a given rule to the particular positive law in question. As a reasonably coherent body of law had become available since the later fifteenth century, and the text of Justinian's *Digest* seemed largely recovered by the 1570s, He *Digest*'s rules and regulations could be discussed in terms of their relevance to current legal procedure and the particular provision of the emerging substantive law. Despite Hahn's interest in private law, his commentary on Wesenbeck also included the sections of the *Digest* that related to public law and the making of law effectively by the *populus Romanus*. In his own

¹⁰⁹ For example by Gail, Mynsinger, Freher.

¹¹⁰ There is comparatively little information, but see Werner Hinz, *Die Entwicklung des gutgläubigen Fahrniserwerbs in der Epoche des Usus Modernus und des Naturrechts* (Berlin: Duncker & Humblot, 1991), 77–78.

¹¹¹ First volume Helmstedt: Richterus, 1650; second volume Helmstedt, 1655; here I have used *Pars Prior* (Helmstedt, s.n., 1659).

¹¹² Wolfgang Kaiser, "Digestenentstehung und Digestenüberlieferung", in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte (ZRG), Romanistische Abteilung (RA)* 108 (1991), 330–350; Kaiser, *Schreiber und Korrektoren des Codex Florentinus*, in: *ZRG RA* 118 (2001), S. 133–219.

¹¹³ Johann August Ritter von Eisenhart, "Wesenbeck, Matthäus", in *Allgemeine Deutsche Biographie*, 42 (Leizpig, 1897), 134–138; Frank Schäfter, *Juristische Germanistik* (Frankfurt: Klostermann, 2008), 65–6: Still in the eighteenth century, jurists holding that the validity of Roman law had to be argued in each individual case referred back to Hahn's commentary on Wesenbeck; a third edition of the *Observata* had been published in 1706.

observations Hahn attempted to marginalize these aspects in favour of the right of the prince to give law. A few examples must suffice.

Wesenbeck had commented that the people and senate of Rome made law. 114 Hahn denied this. The people had not made law, for the making of law required the possession of *imperium*. It was pacta that required the *consensus* of the people, not the making of laws. Moreover, by pactum the people had entirely transferred such law-making power as they might have had to the prince. 115 Wesenbeck had commented that the people were the "causa efficiens" of the law. 116 Hahn observed that pacta and leges had to be strictly distinguished.¹¹⁷ Wesenbeck had argued that today ("hodie"), the prince ("princeps") made law, and that below the prince in his territory there existed dukes or prefects that could not really be compared with the ancient praetors.118 Hahn declared that law was made by the prince and the Imperial estates, for the Empire was mixed and contained elements of aristocracy as well as monarchy. 119 In his opinion, the "dux seu praefectus inferior in suo territorio" of Wesenbeck's reading¹²⁰ was an error. It was wrong, according to Hahn, to compare the "principes Germaniae" with the Roman "praesides provinciae" in relation to whom Oldendorp and others had attempted to understand the function of the Imperial estates. Rather, the princes were authorities in their own right, possessing *ius superioritas* in their own "territory" and making law within that territory over their own subjects. 121 Wesenbeck maintained the superiority of divine law as recorded in scripture to any other law. 122 Hahn denied a direct applicability of either divine or natural law. He distinguished "bonitas moralis" or "convenientia cum iure naturae" from the law as "sanctio & promulgatio". 123 Law was sanction, and sanction had to come from the prince. Where Wesenbeck had explained the nature of customary law, 124 Hahn attacked Mynsinger and Andreas Gail for mistaking all sorts of customs for law

¹¹⁴ Hahn, Observata, 100 (on Digest 1.3).

¹¹⁵ Hahn, Observata, 108.

¹¹⁶ Wesenbeck, in Hahn, Observata, 101.

¹¹⁷ Hahn, Observata, 108.

¹¹⁸ Wesenbeck, in Hahn, *Observata*, 101: "Hodie...legem generalem solus facit princeps....".

¹¹⁹ Hahn, *Observata*, 112.

¹²⁰ Wesenbeck, in Hahn, Observata, 101.

¹²¹ Hahn, Observata, 113.

¹²² Wesenbeck, in Hahn, Observata, 102.

¹²³ Hahn, *Observata*, 123–124: "nam lex quidem naturalis propterea valet.... Quod justa est per se, non vero lex positiva, sed quia magistratus ita placuit".

¹²⁴ Wesenbeck, in Hahn, Observata, 104.

and recognized as law only certain customary practices, such as those of continuing observance. He also held that every custom must have been introduced at some point by the prince and admitted the possibility of abolishing existing custom.¹²⁵

As already mentioned, Conring did not profess law and was not considered a jurist. Yet he supported Hahn with his legal history, though he could not provide the latter with a history or a coherent theory of legal sources.

4. Conclusion

From the 1590s, and amid the confessional crisis of the Empire's constitution, Bodin galvanized debate into the forging of a new discipline alongside a new genre, on the one hand the *Politica* and, on the other, the Public Law of the Empire. Through focusing on the question where *maiestas* or *summa potestas* lay, German political thought began to discuss the nature of the Empire in new ways. The public constitution of the Empire emerged as an issue in its own right. In contrast, law properly speaking, both university-based civil law and the emerging dense collections of positive laws upon which the emerging *Reichspublizistik* drew, had little use for Bodin. It was in the *Politica* genre where his influence was massively felt.

But Knichen had not written a *Politica*. Nor was he engaged upon civil law or *Reichspublizistik*. At the intersection of law, politics and history, Knichen's method rested on two pillars. One was to engage with later Roman and early and high German medieval history to seek there the origins of princes and their territorial states. For this, he had precursors in the sixteenth century. The other was to interpret existing rights and jurisdictions of princes and Imperial counts, and of lesser Imperial estates, as emanations of a more comprehensive and thorough right, the right of territorial superiority, and to link this interpretation with propositions about the nature of the fief as a clearly defined spatial district. In particular respects this strategy had been increasingly pursued since at least the fifteenth century, and suggestions concerning the spatial character of fiefs had also been made before. But Knichen combined these various aspects in hammering home the late-Roman origin and early and high

¹²⁵ Hahn, Observata, 136-9.

medieval consolidation of the German princes and their territories, and the inseparable interconnectedness of fief, territory as spatial district, and royal rights and jurisdiction over and within the territory.

This latter aspect, of treating individual rights and exercises of power as emanations of a more comprehensive right, clearly emulated Bodin. 126 In fact Knichen did not cite Bodin at all, and for this there could be various reasons. Bodin remained a highly controversial author, in particular with respect to his claims about the aristocratic constitution of the Empire. Perhaps, to Knichen, his claims did not need to be burdened with the dubious Bodin. He could follow the argumentative model without mentioning the controversial author. In his case, the role of Bodin for thinking through the question of the territorial state in Germany is clearly part of the riddle that Quaritsch identified. Bodin may be deemed a seminal influence by way of an almost universal acceptance that all debate on politics had to start with assuming a body politic constituted by the existence of a legal title to comprehensive supreme public power. Indeed, the very term maiestas, upon which both Arnisaeus and Althusius dwelt, had fundamentally shaped the landscape of debate from the 1590s. Yet no one was willing to acknowledge Bodin's impact in terms of primarily or only quoting him. For example, it was possible to argue that the practical strategy of enlarging one's sphere of subjugation through exploiting certain individual rights was an old game, whereas playing the game assuming a ius territorialis was a new way of playing it. Knichen may have pulled together the various elements of his own argument from what there already was, systematizing what had been partly suggested before, while his own impact came about by using a new key phrase. In doing this his thinking may very well have been informed to a degree by Bodin. But he did not acknowledge as much.

At all events, a key feature of Knichen's position had to be something which was not present in Bodin: the territory not just as piece of land, but as a unit comprising defined space, sinews of power, and comprehensive rights to rule. This was not yet a modern notion of 'state' by any means, but it was more tangible then Bodin's *respublica*. In terms of innovation in thinking on 'state', the need to translate the possession of a fief into much

¹²⁶ This argument differs from, for example, Stolleis, Öffentlichen Rechts, 185, who sees the indebtedness of Knichen in the idea of the summary of all relevant legal and executive power in one single person, rather than in the argumentative strategy employed: that is, in taking individual scattered rights to be emanations of an alleged larger and more comprehensive right.

more comprehensive and clearly defined rights, rights not easily revocable by some Imperial overlord, had led to recognition of a tangible territory where in reality there were only fiefs, often divided and with varying rights connected to them. The territory had to be, as it were, invented in order to help identify those subject to its superiority and the nature of their subjectedness as expansively as possible. Yet it had, to Knichen, no real life of its own. It remained a possession of the prince.

Later pro-princely political scientists, such as Conring, further elaborated on this approach by weakening, not least with arguments drawn from history, legal limits to princely actions drawn by the Empire as a whole. For this purpose, they had to take account of a fairly well-entrenched discipline that exhibited the tangibility and validity of particular positive law. And that law barely allowed any kind of territorial absolutism. Thus, to Hahn and Conring, the regard for the law in Bodin was not helpful any more. They had no need of him in any case.

But once the notion of territory had been invented, it became, during the second third of the seventeenth century, and in propaganda against princes, an entity of its own, complete with sinews, laws, and rights. It became much more akin to what we understand today as 'staat'. It became what Pufendorf later wrote about. In this way, the argumentative strategies of men like Knichen had, by going beyond what Bodin had said, the kernel of something new, the state as agency and possessor of rights *sui generis*. And it was therefore Pufendorf and this new sense of state, rather than Bodin on the consolidation of rights to rule in natural persons, that was going to define further debate. In this sense, the reception of Bodin in Germany, at once open and covert, was, for specifically German reasons, very productive.

Appendix

In the Introduction to his classic edition of Althusius's *Politica*, Carl J. Friedrich observes how Althusius, "the most profound and logical follower whom Bodin has had", cited the Angevin "almost two hundred times" and adduced "almost every chapter of the *Republic*".¹²⁷ Even so, such citations require careful evaluation. For example, Althusius refers to Bodin in setting out his own approach to the issue of supreme public power, but only after having laid out, in chapter V of the *Politica*, the nature of the "*consociatio universitatis*": that is, the legal person of public order.¹²⁸ In chapter IX 'majesty' is explained to be a legal title, held by the kingdom itself as legal person.¹²⁹ The natural persons acting on behalf of this legal person, the "administrators", do not themselves possess this right. Althusius thus addresses his subject not simply as *maiestas*, but as "*jura maiestatis et regni*". He does acknowledge that sovereignty is indivisible, but quotes Roland a Valle for this insight, not Bodin.¹³⁰ Rather, he attacks Bodin for arguing that 'majesty' is unlimited, and objects that it not only is limited by divine law and the law of nature, but has also to concur with civil law.¹³¹

In marshalling examples from Augustine to Bartolus against any human unlimited agency, ¹³² Althusius fails to acknowledge that his notion of an overriding and comprehensive title is taken from Bodin. He rather attempts to manoeuvre Bodin into a corner where the latter hardly belongs: that of arbitrary unlimited power, taking no account of divine law and law of nature. Althusius also vehemently denies that sovereignty is possessed by the ruler. He states that "rex enim populum, non contra populus regem repraesentat" and thus hints at standard contemporary theories on the representation of a legal person. ¹³³ Helmut Quaritsch concludes that Althusius has to be seen as one of the German recipients who wanted to use Bodin's terminology, but to adapt it to German circumstances. In order to do that, what was once a single, comprehensive power had to be distributed among the emperor and the imperial estates. ¹³⁴ In respect of Althusius, that is not quite the case. For Althusius does not argue that all the administrators—the king of

¹²⁷ Althusius, *Politica methodice digesta*, ed. Friedrich, p. lix.

¹²⁸ Althusius, *Politica*, cap. V, nn. 8–9. On the concept of the legal person *universitas* see Wolfgang Mager, "Genossenschaft, Republikanismus, und konsensgestütztes Ratsregiment", in Luise Schorn Schütte, ed., *Aspekte der politischen Kommunikation im Europa des* 16. und 17. Jahrhunderts, 13–122 (München: Oldenbourg 2004), 101–109.

¹²⁹ Althusius, *Politica*, cap. IX, nn. 15–16: His emphasis is on the possession of this legal title by the *universitas* as a whole, not by its individual corporate or natural members. Cf. Carney, ed., *Politics of Johannes Althusius*, 64, note 2, alleging that "sovereignty belongs to the people" without fully grasping the argument about the capabilities of a legal person and probably without knowing the contemporary legal debate.

¹³⁰ Althusius, *Politica*, cap. IX, n. 19.

 $^{^{131}}$ Althusius, *Politica*, cap. IX, nn. 20–24; reasonable translation in Carney (ed.), *Politics*, 66.

¹³² Althusius, *Politica*, cap. IX, nn. 20-22.

¹³³ Althusius, *Politica*, cap. IX, nn. 23–24. See Mager, *Genossenschaft*, on these accounts.

¹³⁴ Quaritsch, Souveränität, 73.

the kingdom, the princes, the ephors—have a part of this comprehensive power. Rather, it remains undivided with the legal person of the *regnum* itself. Only its exercise has to be seen with those representing it. The real issue between Althusius and Bodin is whether a legal person could possess such a title, making all natural persons merely servants of that legal person. This is a fundamental difference in approach.

In the case of Arnisaeus, Bodin is referred to at the very opening—indeed, on the first page—of the *De iure maiestatis libri tres*, from Fabio Albergati's critique of the Angevin. ¹³⁵ *Maiestas* is defined as *summa potestas* (this is, of course, in line with Bodin's own amplification of the term). ¹³⁶ Arnisaeus then embarks upon a detailed word history, beginning with Tiberius and exploring the term's meaning in classical sources. ¹³⁷ His examples address only issues of personal title and can be read as a history of the various forms of kingship. Chapter II postulates that all individuals that do not recognize a superior possess *maiestas*. The chapter amounts to an exercise in historical relativism, noting changes in development, for example with respect to the nature of the *imperium* of the Roman emperors, and drawing comparisons with other European kingdoms. The range of authors is wide, and Quaritsch's statement is in effect vindicated once more. Arnisaeus took over the key term, but downplayed Bodin's significance as much as he possibly could.

¹³⁵ F. Albergati, *Dei discorsi politici libri cinque: nei quali viene riprovata la dottrina di Gio. Bodino, e difesa quella di Aristotele* (Rome: Zanetti, 1602).

¹³⁶ Bodin, De republica libri sex (Paris: Du Puys, 1586), I.viii: 78.

¹³⁷ Henning Arnisaeus, *De iure maiestate libri tres* (Frankfurt: Thymius, 1610), lib I, cap i.

CHAPTER THIRTEEN

SOVEREIGNTY AND REASON OF STATE: BODIN, BOTERO, RICHELIEU AND HOBBES

Luc Foisneau

'Sovereignty' and 'reason of state' often appear as two faces of the same coin, two different ways of looking at the same historical process, which can be summarily described as the emergence and affirmation of the 'state' in Western early modernity. This perspective has been adopted by many historians of the period. As a result, a homogeneous view of early modern theories of state tends to prevail, as if jurists, historians and statesmen all shared the same conception of the new politics that were emerging in their time. Although more recent developments in research seem to contradict this uniform perspective, it is not always clear whether the many studies published in the past fifteen years or so on 'reason of state' have not contributed in their way to reinforcing the idea that the main clue to understanding modern politics is to be found in 'reason of state' alone.¹

In the present paper, I would like to suggest two things: first, that it is necessary to take into account both theories of 'sovereignty' and theories of 'reason of state', not only as two distinct ways of considering modern politics, but also as potentially, if not always actually, two rival views on those politics;² secondly, that that opposition raises questions concerning the reception of Bodin in Italy, France, and England.

¹ For a critical survey of some important developments in reason of state studies, one can refer to Enzio A. Baldini, *La ragion di stato dopo Meinecke e Croce* (Genova: Name, 1999). Amid the vast literature on the subject, see more particularly Michael Stolleis, *Staat und Staatsräson in der frühen Neuzeit. Studien zur Geschichte des öffentlichen Rechts* (Frankfurt a. M.: Suhrkamp, 1990); M. Viroli, *From Politics to Reason of State: the Acquisition and Transformation of the Language of Politics 1250–1600* (Cambridge, Cambridge University Press, 1992); and Gianfranco Borrelli, *Ragion di Stato e Leviatan: conservazione e scambio alle origini della modernità politica* (Bologna: Il Mulino, 1993).

 $^{^2}$ This tension is all the more interesting in that it does not necessarily lead to a doctrinal confrontation between authors, or rival schools, but is often internal to the various doctrinal positions.

As a starting-point, I shall consider the significant position of Bodin, as both the inventor of modern 'sovereignty' theory and a possible source for theories of 'reason of state': does the relationship between Bodin's Six livres de la république and Botero's Della ragion di stato suffice to warrant ascribing the latter's concept of 'reason of state' to Bodin's legacy? I will try to show that this is not the case, although the relationship is real. I shall then turn to the period of Cardinal Richelieu's ministry under Louis XIII (1624–42), considering more particularly the relationship between Richelieu's conception of 'reason of state' and Cardin Le Bret's theorizing of the king's 'sovereignty'. Here I shall aim to show that Richelieu's conception of 'reason of state' can be seen as an extension of Bodin's theory of 'sovereignty', but not as a development of Italian 'reason of state' proper. And, finally, I shall try to show how the legacy of Bodin in Richelieu's period is received, and in some way contradicted, in Hobbes's De Cive, which was published in Paris in the year of Richelieu's death, in 1642, when Hobbes had been an exile in France for two years. That is not to say that De Cive can be seen as a direct answer to Richelieu, nor that French absolutism would supply the proper context for understanding his political writings of the period. My argument is, rather, that a study of the reception of Bodin can assist understanding of the tension between 'reason of state' and 'sovereignty', and how this tension can be seen to have been intellectually productive when viewed from a European perspective and, in particular, in the light of Bodin's, Botero's, Richelieu's and Hobbes's respective contributions.

1. A Paradoxical Legacy: Bodin and Botero

One paradoxical result of the important work accomplished recently on 'reason of state' is that it has been accompanied in many cases by a loss of interest in the problematic of 'sovereignty'. Maurizio Viroli, in his stimulating *From Politics to Reason of State*, depicts the grand transformation of Italian political language between 1266 and 1586 without paying any attention to the introduction of Bodin's sovereignty theory. It seems worth noting that no work by Bodin figures in Viroli's list of primary sources, and Bodin's name does not appear in his index. Although not entirely justifiable, this omission suggests *at least* that Viroli does not regard 'sovereignty' as one major element of the new language of politics after the demise of civic humanism. Such an omission is quite in line, indeed, with Foucault's opinion, expressed in lectures at the Collège de France in 1979, where

rejection of the juridical theories of sovereignty is justified by the idea that what really matter are governmental practices.³ In this paper, I would like to suggest that the new language of modern politics is not founded simply on 'reason of state', let alone if construed in a Foucaldian way as governmentality, but on a permanent tension between the language of 'reason of state' and the language of 'sovereignty'.⁴ In order to defend this idea, I shall have to demonstrate not only the difference between the two languages, but also the reasons why they have sometimes been identified by historians, and those reasons, I shall try to explain, have much to do with the reception of Bodin.

It is important to notice, indeed, that at the time when Bodin's *Les Six livres de la république*⁵ was first published in 1576, the language of 'reason of state' was still limited to narrow circles in princely courts. Whether the notion first appeared in a speech (*Oratio*) addressed by Monsignor Giovanni della Casa to the Emperor Charles V and published in 1547,⁶ or in Guicciardini's *Dialogo del reggimento di Firenze*,⁷ it was not before the publication of Botero's *Della ragion di stato* in 1589 that the notion gained 'public recognition' in Italy.⁸ It would seem, therefore, that Bodin's conception of 'sovereignty' had precedence over the *ragion di stato*, at least as it was conceived by Botero, that is as a means of preserving the 'state'. As a matter of fact, the Latin translation of Bodin's *République* was published in Lyon in 1586, at a time when Botero was just returning from his second

³ Cf. M. Foucault, *Naissance de la biopolitique. Cours au Collège de France.* 1978–1979 (Paris: Hautes Etudes/Gallimard/Seuil, 2004), 4–5: "... en choisissant de parler ou de partir de la pratique gouvernementale, c'est, bien sûr, une manière tout à fait explicite de laisser de côté comme objet premier, primitif, tout donné, un certain nombre de ces notions comme, par exemple, le souverain, la souveraineté, le peuple, les sujets, l'Etat, la société civile".

⁴ The idea of a dynamic tension between reason of state and sovereignty is central to my contribution, "De Machiavel à Hobbes: efficacité et souveraineté dans la pensée politique moderne", in A. Renaut, ed., *Histoire de la philosophie politique*, t. 2, *Naissances de la modernité*, 203–79 (Paris: Calmann-Lévy, 1999). For a previous attempt at establishing a connection, see Alberto Tenenti, *Stato: un'idea, una logica: dal commune italiano all'assolutismo francese* (Bologna: Il Mulino, 1987), part III: "Teoria della sovranità e ragion di stato nella *République* di Jean Bodin".

⁵ In this chapter all citations in French from Bodin's *Les Six livres de la république* will be taken from the 10th edition (Lyon, 1593, reprinted Paris: Fayard, 1986).

⁶ Cf. R. De Mattei, *Il problema della Ragion di Stato' nell'età della Controriforma* (Milano-Napoli: Ricciardi, 1979), 13, n. 34.

⁷ Cf. J.-Cl. Zancharini, "Les enjeux d'un concept: à propos de *Raison et déraison d'État*", in A. E. Baldini, ed., *La ragion di stato dopo Meinecke e Croce: dibattito su recenti pubblicazioni* (Atti del seminario internazionale di Torino 21–22 ottobre 1994) (Genova: Name, 1999), 201–10.

⁸ Viroli, From Politics to Reason of State, 252.

stay in France;9 and the Italian translation, by Lorenzo Conti, appeared one year before Botero's book, in 1588.¹⁰ This chronological succession has been comprehensively ignored in his chapter on Bodin and Gentillet by Friedrich Meinecke, who tends to present *Les Six livres de la république* as a foreshadowing of 'reason of state' theories. Although he recognizes that the strength of the theory lies in its "legal and logical arguments", 11 and that therefore "the idea of reason of state could not be dominant", he still considers that the latter idea "stands out in the background as a central idea which for him [i.e., Bodin] was self-evident". 12 The concept of 'sovereignty', originally conceived by Bodin as "the absolute and perpetual power of a *république* that in Latin is termed *maiestas*", ¹³ thus appears in Meinecke as the herald of 'reason of state'. What Meinecke retains of Bodin is that he would have diverted attention from the classical question of the best form of polity, giving precedence to an interest in the "individual nature of the State". 14 Not only does this interpretation not do justice to the precedence of Bodin over Botero, since it obscures the specificity of the former's idea of 'sovereignty', but it also gives a curious twist to Rezeptionsgeschichte. According to Meinecke, the important topic is 'ragion di stato', and 'sovereignty' is there only to explain how it could have developed. Here, surely, is a nice illustration of the 'illusion du précurseur'.

If we wish to avoid that regrettable illusion, we must come back to what 'sovereignty' originally meant for Bodin. If it is the case that the concept

⁹ Cf. D. Quaglioni, "Imperandi ratio: l'édition latine de la République (1586) et la raison d'État", in Y. Ch. Zarka, ed., Jean Bodin: nature, histoire, droit et politique, 161–74 (Paris: Presses Universitaires de France, 1996), 165–6, citing F. Chabod, "Giovanni Botero", in Scritti sul Rinascimento (Torino: Einaudi, 1967), 296: "Botero prit connaissance de l'édition latine, parue à Lyon en 1586 chez l'imprimeur Jacques Du Puys, le lendemain de son second séjour en France, lorsque l'auteur du traité De regia sapientia 'regardait sous une lumière différente les hommes et les choses déjà observés quinze ans auparavant', en se posant des questions 'qui dans le passé… ne constituaient probablement pas la préoccupation principale de son esprit'."

¹0 I sei libri delle Republice di Giovanni Bodino (Genova: Girolamo Bartoli, 1588). On the context of that translation and the translator, see A. E. Baldini, "Botero et Lucinge: Les racines de la 'Raison d'État'", in Y. Ch. Zarka, ed., Raison et déraison d'Etat (Paris: Presses Universitaires de France, 1994), 93, note 1. On Botero's critique of I sei libri delle Republica, see L. Firpo, "Ancora sulla condanna di Bodin", Il pensiero politico, 14 (1981): 173–86.

¹¹ F. Meinecke, *Machiavellism: the doctrine of raison d'état and its Place in Modern History* (London: Routledge and Kegan Paul, 1957), 59.

¹² Meinecke, Machiavellism, 59.

¹³ Bodin, *République*, I.viii: (1986), 1: 179: "La souveraineté est la puissance absoluë et perpetuelle d'une Republique, que les Latins appellent *majestatem*".

¹⁴ F. Meinecke, Machiavellism, 59.

of 'sovereignty' was forged within a political context in which monarchies and principalities were dominant, it is also true that this concept has its own valency that allows it to fit aristocratic and other non-monarchical forms of 'states'. Indeed, the central tenet in Bodin's definition of 'sovereignty' is not that it would suit this or that form of 'state', but that 'sovereignty' rests on the capacity of the supreme power, whatever its form may be, to give law to a community, thus furnishing its political unity. The power of the sovereign—or *summa potestas*—rests therefore in its capacity to provide jural norms, and no more: "The first attribute of the sovereign prince", says Bodin, "is the power to give law to all [his subjects] in general and to each in particular: but that is not enough, for one must add, without the consent of a greater than, nor an equal to, nor a lesser than himself."15 The great innovation introduced by Bodin's theory lies, thus, in the link that it establishes between the independence of the sovereign vis-à-vis any other human authority and the sovereign's law-making and unmaking capacity. The political dimension of the community lies therefore no longer in the virtues of the citizens, as in a Ciceronian approach to politics, 16 but in the existence of an authority capable of giving those citizens laws, and this authority itself rests on its not being subject to any human law. Thus legislation becomes the central element in the definition of politics; or, to put it another way, legislation is no longer an element among others in a political practice that might also include other equally important elements, such as war- and peace-making, the naming of officers, etc., but is now the main, if not the only, defining attribute of politics. A sovereign, therefore, is not merely inter alia a law-giver: he is nothing but a law-giver, and all the other traditional attributes of princes and kings must now be conceived as included in this central attribute. Bodin puts it very clearly:

All the other rights and attributes of sovereignty are included in this same power of making and unmaking law, so that strictly speaking one can say that there is only this sole attribute of sovereignty, given that all the others are contained in this one: such as declaring war or making peace, taking cognizance in last resort of the judgements of all magistrates, appointing

¹⁵ Bodin, *Les Six livres de la république*, I. x: (1986), 1: 306: "la première marque du prince souverain, c'est la puissance de donner loy à tous en general, et à chacun en particulier: mais ce n'est pas assez, car il faut adjouster, sans le consentement de plus grand, ni de pareil, ni de moindre que soy".

¹⁶ R. Tuck, *Philosophy and Government:* 1572–1651 (Cambridge: Cambridge University Press, 1993), 33: "On the eve of the civil wars in the Netherlands and France, Ciceronianism in one form or another was... still the dominant approach to politics".

and dismissing holders of the greatest offices, imposing levies and taxes upon the subjects or exempting from them.¹⁷

The condition of 'absoluteness', the first term that qualifies 'sovereignty' as defined by Bodin, 18 must therefore be correctly understood. He does not conceive of it as a means of achieving ends other than giving law to a people: rather, it is the condition through which an efficient law can be imposed on a multitude. To be binding, a political law must proceed from a principle external to the subjects who are to obey it. The difference between subject and sovereign is therefore set in adamant; it is the great principle of political heteronomy, which contradicts the idea of a right of resistance, 19 conceived whether in the Huguenots' way as the resistance of the estates, or as the inherent right and power of a people to resist. But at the same time, when Bodin says that the sovereign must be absolute, he means no more—which is already much—than that the latter must be a legibus solutus, that is, not bound himself by any other human law. The very limit of absolutism is that it does not extend to "the laws of God and of nature",20 and neither does it allow the sovereign to break contracts and promises that he has formally made. 21 Setting aside a law that no longer satisfies the requirements of justice can be done by a prince without the assent of his subjects, but not breaking a contract: for, just as he is "guarantor of his subjects' mutual covenants and obligations", so too must he be bound by his own.²² Although Bodin refers to the interest of the subjects that may justify the breaking of a contract by a prince,

¹⁷ Bodin, *République*, Lx: (1586), 1: 309: "Sous ceste mesme puissance de donner et casser la loy, sont compris tous les autres droits et marques de souveraineté: de sorte qu'à parler proprement on peut dire qu'il n'y a que ceste seule marque de souveraineté, attendu que tous les autres sont compris en cestui là: comme descerner la guerre, ou faire la paix: cognoistre en dernier resort des jugements de tous les magistrates, instituer ou destituer les plus grands officiers: imposer ou exempter les sujects de charges et subsides."

¹⁸ Above, p. 326 n. 13.

¹⁹ To understand how the condition of absoluteness explains the difference between the first and the second theory of sovereignty in Bodin, see J. H. Franklin, *Jean Bodin and the Rise of Absolutist Theory* (Cambridge: Cambridge University Press, 1973).

²⁰ Bodin, *République*, I. viii: (1986), 1: 190: "tous les Princes de la terre sont sujets aux loix de Dieu, et de nature".

²¹ Bodin, *République*, I.viii: (1986), 1: 218–19: "le Prince est tellement obligé aux conventions qu'il a avec ses subjects, ores qu'elles ne soyent que de droit Civil, qu'il n'y peut deroger de sa puissance absoluë: comme les docteurs en droit presque tous demeurent d'accord: veu que Dieu mesme, comme dit le maistre des sentences, est tenu de sa promesse".

²² Bodin, *République*, I.viii: (1986), 1: 218: "car puis qu'il est garand aux subjects des conventions et obligations mutuelles qu'ils ont les uns envers les autres, à plus fort raison est-il debteur de justice en son faict".

his conception of absolute sovereignty is indeed very far removed from any definition of 'reason of state': explicitly so from Machiavelli's famous apology for the prince's duplicity,²³ but also from the kind of Tacitism that developed in France in the wake of the St Bartholomew's Day Massacre. Bodin clearly does not share Guy du Faur de Pribac's views about the use of force, a full-blooded defence of the physical elimination of Coligny in the name of the 'public interest'. Neither does he altogether share Pibrac's disdain for the Parisian crowd, which has also a very Tacitist flavour of its own.²⁴ I would therefore agree with an observation of J. H. M. Salmon's, that he "cannot see anywhere in Bodin any consciousness or advocacy of 'raison d'état'".

From Salmon's rider, that "as far as one can trace a relationship between Machiavelli, interest of state and 'raison d'état', Bodin is fully opposed to this kind of very new tradition", ²⁵ I would, however, dissent on two specific grounds. First, Bodin was well aware of the development of what has been called the 'new humanism' of Tacitist trend, such as Pibrac exemplified, and he did not subscribe to it. His analysis of the sovereign's obligation to abide by his promises clearly shows that he has not been contaminated by the Tacitist approach to politics: he can see no difference, as far as promises are concerned, between the prince and his subjects, since both must respect their promises made, except when the promise is "unjust and unreasonable". 26 If a particular person has contracted an obligation through "fraud, or mistake, or force, or justifiable fear", ²⁷ he can extricate himself from it. For the same reasons, a prince can be liberated from a contractual obligation that would diminish his majesty. But those conditions are rare and precisely identified in legal terms. The conclusion is that the "Prince is subject neither to his laws, nor to the laws of his predecessors, but rightly so to his fair and reasonable conventions, in the observation of which his subjects have a general or a particular interest". 28 No 'reason of state' there, but strict observation of the juridical rationality

²³ Machiavelli, *Il Principe*, cap. XVIII, ed. G. Inglese (Torino: Einaudi, 1995), 115.

²⁴ On Pibrac's *Ornatissimi cuiusdam viri, De rebus Gallicis ad Stanislaum Elvidium, epistola* (Paris, 1573), see R. Tuck's comments in *Philosophy and Government*, 41–2.

²⁵ J. H. M. Salmon, "Bodin politische Philosophie. Diskussion", in H. Denzer (ed.), *Jean Bodin. Verhandlungen der internationalen Bodin Tagung in München/Proceedings of the International Conference on Bodin in Munich* (Munich: Beck, 1973), 474.

²⁶ "injuste et desraisonnable": Bodin, République, I. viii: (1986), 1: 193.

²⁷ "fraude, ou erreur, ou force, ou juste crainte": République, I viii: (1986), 1: 193.

²⁸ "…le Prince n'est point subject à ses loix, ni aux loix de ses predecesseurs, mais bien à ses conventions justes et raisonnables, et en l'observation desquelles les subjects en général ou en particulier ont interest": *République*, I. viii: (1986), 1: 194.

operating in all kinds of contracts, whether private or public. And the reference to the notion of 'interest' goes no further than reminding us of the reason of all conventions, that is, the satisfaction of some interest of those who contract.

I would add to that first specification a second one: Bodin was not so much opposed to 'reason of state' as ignorant of it, and certainly as a means to justify the development of Spanish hegemony. '*Ragion di stato*' in Botero's eponymous work of 1589, has to be understood, indeed, as part of a widespread effort among publicists attached to the Spanish Crown to justify the identification of Spain with the cause of Catholicism. If Botero was to some extent critical of some forms of Machiavellism, his intention was quite clearly to place the techniques of dissimulation and force taught by Tacitus at the service of Catholic Christianity, and for him it was obvious that Spain was the only credible candidate to play such a role.²⁹ Therefore, the relevant question, in terms of reception, would be whether Botero's reading of Bodin had a significant impact upon his definition of 'reason of state', and whether that impact, if there is one, implies that Bodin himself shared Botero's conceptions on reason of state.

Let us first of all note that in the first two editions (1589, 1590) of his *Della ragion di stato* Botero defined 'reason of state' without even mentioning the definition of the state as "a firm rule over a people (*un dominio fermo sopra popoli*)" which he subsequently introduced as the work's opening sentence. This omission testifies to a major difference between his approach to politics and Bodin's. Not only does Botero ignore 'sovereignty' as the essence of the 'state', but he even goes so far as to define '*ragion di stato*' without first defining '*lo stato*'. This suggests that, as Viroli puts it, "[f]or Botero, the state ultimately is the prince; is still the state *of* the prince, and his doctrine of reason of state is the conventional art of the state". His problem, therefore, can simply not be to promote a new conception of

²⁹ R. Tuck, *Philosophy and Government*, p. 67: "True *ragion di stato* must recognise the imperative of Christian and European unity. He [Botero] made the same point with great passion in an undated *discorso dell' excellenza delle monarchie* (published by someone else in 1607): 'I reckon that the human race would live best if the whole world were put under a single Prince... For the majority of our afflictions comes from the multiplicity of Princes' (*Saggio* p. 14). The monarchy he had in mind, his earlier remarks in the same discorso make clear, was the Spanish empire".

³⁰ G. Botero, *Della ragion di stato* (Venezia, 1598, ristampa anastatica, Postfazione di Luigi Firpo, Bologna: Arnaldo Forni, 1990), 1: "Stato è un dominio fermo sopra popoli". That observation was first made by F. Chabod, "Giovanni Botero", in *Scritti sul Rinascimento* (Torino: Einaudi, 1967), 314.

³¹ M. Viroli, From Politics to Reason of State, 253.

the state, as Bodin does with his theory of sovereignty. For him the political foundation remains unchanged, as it rests on the virtue of the prince: "The main foundation of any state is the obedience of the subjects to their superior; and this obedience is founded on the excellence of the prince's virtue;… the people submit themselves willingly to the prince in whom some eminence of virtue is to be found."³² And the four main virtues required by a prince are very classical indeed: if he wants to maintain his dominion over a people, a prince needs to rely on justice and liberality, which help him keep the love of his subjects, and prudence and valour, which are the conditions of a good reputation.

Such considerations have scant place in Bodin's theory, in which the greatness of the prince is to be measured against his capacity to exercise 'sovereignty' by making and rescinding laws, and not against his ability to get a good reputation among his people, or to make a show of other moral virtues. Nonetheless, the relationship between the two authors may not be as distant as their respective approaches to the question of the 'state' tend to make us think. It is possible, as some commentators have noted,³³ that Botero might have borrowed some elements in his theory to accommodate conceptual distinctions advanced by Bodin, notably the difference between the form of the 'state', with which 'sovereignty' is mainly concerned, and the form of 'government', which is central to 'reason of state'. Bodin introduces the distinction between 'state' and 'government' in his chapter on "lordly monarchy (monarchie seigneuriale)", where he says that differences between "lordly, or royal or tyrannical" monarchies spring not from "diversity of républiques" as such, but from "diversity of governing (diversité de gouverner)". Further, he emphasizes that "there is a great difference between state and government: this is a rule of politics which no one has touched upon at all".34 And another passage of Bodin's that might have had an influence on Botero concerns changes in the 'state' of a république:

³² "Il fondamento principale d'ogni Stato si è l'obedienza de' sudditi al suo Superiore; e questa si fonda sù l'eminenza della virtù del Principe...cosi i popoli si sottomettono volontieri al Principe, in cui risplende qualche preminenza di virtù": Botero, *Della ragion di stato*, Lix: 18.

 $^{^{33}}$ Cf. Y. Ch. Zarka, "État et gouvernement chez Bodin et les théoriciens de la raison d'Etat", in Zarka, ed., Jean Bodin: nature, histoire, droit et politique, 149–60.

³⁴ "Car il y a bien difference de l'estat, et du gouvernement: qui est une reigle de police qui n'a point esté touchee de personne: car l'estat peut estre en Monarchie, et neantmoins il sera gouverné populairement si le Prince fait part des estats, Magistrats, offices, et loyers egalement à tous sans avoir esgard à la noblesse, ni aux richesses, ni à la vertu": Bodin, *République*, II.ii: (1986), 2: 34.

The first rule that must be observed to preserve the state of *républiques* is to know the nature of each one, and the causes of the ills which happen to them. For this reason I pause here to consider such matters. For it is not sufficient to know which *république* is the best. *One must also understand the means of preserving each one in its state* [my italics], given that it is not in our power to change it, or that in changing it should be at risk of falling into ruin.³⁵

There is here an obvious affinity with what Botero would later call 'reason of state', that is "a knowledge of the means suitable for founding, maintaining and enlarging a state". 36 But whatever the final truth of these approximations, it remains true that, first, Bodin was not himself interested in 'reason of state', and, secondly, that, even if it should be proved that Botero's thinking was affected by his reading of Les Six livres de la *république*, he did not initially find anything of interest in its core, that is to say in its theory of 'sovereignty', which he splendidly ignored. This suggests that at the least we have here two distinct conceptions of politics, not utterly divorced from each other, but tending each to develop along its own lines. In the case of Bodin, the central position is that a 'state' in the modern sense is founded on a new political mechanism for the production of norms; whereas in the case of Botero the core element is the means suitable to the preservation of some particular state. Considered in the perspective of an unlimited normative authority in the one case, and as an art of ruling in the other case, modern politics tend to appear under very different aspects. And if, by a very interesting twist of the history of reception, it is true that Botero has borrowed some of his concepts from Bodin, this cannot be taken as a proof that Bodin himself would have conceived his 'sovereignty' as a technical device to regulate the production of power, let alone, of course, as a justification of Spanish hegemony.

If some degree of confusion between 'reason of state' and 'sovereignty' has been allowed to develop among scholars, the explanation for it is not to be looked for in the first moment of their common history. When one reads Bodin and Botero in parallel, what is striking is the difference

³⁵ Bodin, *Republique*, IV.iii: (1986), 4: 100: "la premiere reigle qu'on peut avoir pour maintenir les Republiques en leur estat, c'est de bien cognoistre la nature de chacune Republique, et les causes des maladies qui leur adviennent. C'est pourquoy je me suis arreste à discourir jusques ici l'un et l'autre: car ce n'est pas assez de cognoistre laquelle des Republiques est la meilleure, ains il faut sçavoir les moyens de maintenir chacune en son estat, s'il n'est en nostre pouvoir de la changer, ou qu'en changeant elle soit au hazard de tomber en ruïne".

³⁶ G. Botero, *Della ragion di stato*, Li., p. 1: "Ragione di stato è notitia di mezi atti a fondare, conservare e ampliare un Dominio".

between their views on politics, despite a complex interconnection. I would like to suggest that the cause of the blurring of that difference is to be found not so much in Botero's direct exposure and response to Bodin's ideas as in a transformation of 'sovereignty' theory that occurred in France at the beginning of seventeenth century, but produced its political effects mainly during Richelieu's ministry between 1624 and 1642. That French sequence can be considered as a new and, to some extent, puzzling turn in the political reception of Bodin.

2. Reason of State and Divine Right Sovereignty: Richelieu and Le Bret

I wish now to show, first, that, with Richelieu, the conception of 'raison d'état' clearly becomes something different from Botero's conception of 'ragion di stato', that is, the justification of infringements on private liberties for the sake of higher state interests; and, secondly, that this change is parallel to a transformation in the conception of Bodinian 'sovereignty' which occurred in the context of early seventeenth-century France. This development is to be noted here because it has unduly blurred the difference between 'reason of state' and 'sovereignty', a difference that needs to be maintained if one wishes to understand the dynamic at the heart of the political reception of Bodin.

The success of Bodin's theory among early-modern jurists was owing not only to the fact that it offered a solution to the problem of political unity in a profoundly divided country, France during the religious wars, but also to the possibility of setting Bodin's theory of 'sovereignty' within the framework of monarchical religious beliefs. Bodin's conception of 'sovereignty' could be interpreted as placing the French monarch both in a juridical perspective, as the source of the whole juridical structure of the state, and in a theological perspective, as the incarnation of the special link that united France with God. As a source of human laws, the sovereign could be considered as an embodied norm, guaranteeing the stability of the whole hierarchy of norms; and as the lieutenant of God on earth, protector of the Church, he could be seen as the incarnation of the special link uniting France to the design of providence. That is not what Bodin meant when he said that the king was 'elected' by God; '37 rather, he meant

³⁷ Bodin, *République*, VI.v: (1986), 6: 213: "C'est pourquoi on dit en ce Royaume que le Roy ne meurt jamais: qui est un proverbe ancien, qui monstre bien que le Royaume ne fut onques electif: et qu'il ne tient son sceptre du Pape, ni de l'Archevesque de Rheims, ni du peuple,

that the king of France was not chosen by any human being, and that the true monarchy was therefore successoral, and not electoral. The statement did not itself entail that the king would have any special relation to God, but only that he is, and needs to be, far above any other human being—at least, in his kingdom.³⁸ As far as 'sovereignty' is concerned, Bodin's use of theology is mostly negative. God is not said to give any gift or privilege to the king; 'divine election' means only that there is no human choice (by the pope, an archbishop, or the people) that could be said to justify monarchical power. The context furnished by the general religious setting of French monarchy obviously induced a very different conception, one that for example, credited kings with thaumaturgical powers.³⁹

The effect of setting Bodin's thinking within the framework of divine right theory, for which he did not himself argue, induced a transformation of the original meaning of 'absolutism'. Whereas the 'absolutist' turn in Bodin's work corresponded to the conviction that peace could be achieved only if law were enforced by a powerful and independent sovereign and no right of resistance given constitutional guarantee, ⁴⁰ the transformation that 'absolutism' underwent in the climate of modern divine right theories⁴¹ led to a change in the meaning of the term. It now meant that the king, in order to achieve his divinely ordained mission, had special derogatory rights as far as governing his kingdom was concerned. In his now classic study of Richelieu and Reason of State, William F. Church clearly showed that the theological transformation of sovereignty was a paradoxical condition of the development of 'reason of state' in Richelieu's time. He also convincingly established that some of the jurists of the time, in the provinces as well as in Paris, used the distinction between the 'absolute' and the 'ordinary' power of the king both to recognize and to limit the use of

ains de Dieu seul (That is why one says in this Kingdom that the King never dies: that is an ancient proverb, that shows well enough that the Kingdom never was an elected one: and that he owes his sceptre neither to the Pope, nor to the archbishop of Rheims, nor to the people, but to God only" (my translation).

³⁸ I am, of course, concerned here strictly with the question of the royal succession in relation to 'divine right' sovereignty, and not with the much broader—and vexed—question of Bodin's religion and his position on the issue of divine intervention in human affairs.

³⁹ Marc Bloch, *The Royal Touch: Sacred Monarchy and Scrofula in England and France*, London, Routledge & Kegan Paul, 1973.

⁴⁰ See Julian H. Franklin, *Jean Bodin and the Rise of Absolulist Theory* (Cambridge: Cambridge University Press, 1973, cap. 3.

⁴¹ It is worth noting that the practice of the royal touch was not diminished but increased after the 'absolutist' turn of French monarchy—a further indication that 'absolutism' was not construed in an exclusively juridical—one may almost say Bodinian—perspective.

royal 'absolute' power. Such arguments sprang directly from discussions of divine omnipotence among medieval canonists and theologians, thus showing that the transformation of Bodin's theory took place within a theologically informed conceptual framework, to which Bodin himself did not resort. Not only was the monarch considered as *de jure divino*, but the state itself was treated by its theologians, the theoreticians of 'sovereignty', as a proper object for theological distinctions.⁴²

I shall refer to only one of those jurists, Charles Loyseau,⁴³ who in his *Traité des seigneuries* (1608) recognized the 'absolute' power of the king, stressed that it should be exercised with justice as it applied to free men, and distinguished it from the king's ordinary power, or *puissance réglée*, which should be used most of the time. The king's 'absolute' power thus applies to extraordinary circumstances, when the ruler is obliged to trespass on the rights of his subjects, whereas the ordinary power must constitute the more general rule. By his ordinary power the king could permit "nobles free exercise of their traditional rights over local administration and jurisdiction, even though he might abolish these at any time by using his *puissance absolue*". ⁴⁴ This distinction opened the way both to criticism of the use of absolute power, illegitimate when unnecessary, and to a defence of the most excessive 'absolutism', as the king enjoyed the utmost liberty of action.

Richelieu's 'reason of state' is to be understood, then, in the perspective of this theology of the state, not as a willingness to trespass for mundane reasons on the ordinary power of the king, but as an attempt to serve by any and every means the 'sovereignty' of the state, embodied in the king. It follows, contrary to Meinecke's view, that Richelieu's 'reason of state' stems not from a secular approach to the power-state, but from a religious approach to a theological entity. The *Testament politique*, in which Richelieu expressed his understanding of his own policy, clearly declares

⁴² "As a partial solution to this problem, the jurists developed the distinction between the 'absolute' and 'ordinary' power of the king. On the basis of the former, he was Superior to all earthly laws (save the fundamental laws of the French monarchy), but in his more accustomed role when he exercised ordinary power, he should, according to the precepts of the *digna vox*, submit voluntarily to established law": W. F. Church, *Richelieu and Reason of State* (Princeton: Princeton University Press, 1972), 33.

⁴³ H. A. Lloyd, "The Political thought of Charles Loyseau", European Studies Review, 11 (1981): 53–82. For a general presentation, see J.-F. Spitz, "Loyseau, Charles (1554–1627)", in The Dictionary of Seventeenth-Century French Philosophers, ed. L. Foisneau (London/New York: Thoemmes Continuum, 2008), 772–3.

⁴⁴ Church, Richelieu and Reason of State, 34.

that "God's kingdom is the foundation of the government of States". 45 There are thus two ways for a Catholic to serve God: within the Church, and within the State. And the Cardinal Minister was well placed, as both prince of the Roman Church and minister of Louis XIII, to appreciate the complexity of their relationship. The several aspects of his conception of 'reason of state', both in home affairs and in foreign affairs, are all connected in some way to this difficult question. It applies, first, to the international dimension of the problem, as Richelieu involved France in a foreign policy against Spain, contrary to what were perceived by the Catholics of his time as the more obvious interests of Catholicism. It applies also to the internal dimension of the question, as devotion to the state was not understood by Richelieu as a secular engagement that ran in the slightest degree contrary to his religious engagements. What, then, of his opposition to the pope? In his *Mémoires*, where his secretaries presented an account of France under his ministry, Richelieu declares that the balance of powers between the different European states is a good thing for the Roman Church, which is thus allowed to maintain itself aloof in all its splendour without being subordinated by any one of the parties.⁴⁶ Thus Richelieu could both favour Catholicism and develop alliances with Protestant princes, his engagement in favour of the state being interpreted by him and his followers as an engagement in favour of God. This theological dimension can explain, in large measure, his understanding of 'reason of state'.

It is therefore interesting to note that the expression 'raison d'état' is used in the *Testament politique* in relation to the problem of what conscience can tolerate or not: "Although conscience could suffer that a good action be left without reward and a conspicuous crime without punishment, reason of state could not permit it".⁴⁷ In the fifth chapter on punishments

⁴⁵ Richelieu, *Testament politique*, ed. Françoise Hildesheimer (Paris, Société de l'histoire de France, 1995), 241: "Le règne de Dieu est le principe du gouvernement des Estats".

^{46 &}quot;La raison et l'expérience nous montrent qu'il faut pour le bien de l'Eglise qu'il y ait balance entre les princes temporels, en sorte que dans leur égalité l'Eglise puisse subsister et se maintenir en ses fonctions et en sa splendeur; autrement le pape ne pourrait être, comme il se doit, père commun de tous les princes chrétiens, mais serait contraint d'être serf et simple chapelain du plus puissant': *Mémoires du Cardinal de Richelieu* (Paris, 1921), V: 293, cited by M. Gauchet, "L'État au miroir de la raison d'État", in Y. Ch. Zarka, ed., *Raison et déraison d'État*, 220.

⁴⁷ Richelieu, *Testament politique*, 263: "Quand mesme la conscience pouroit soufrir qu'on laissât une action signalée sans récompense et un crime notable sans châtiment, la raison d'Estat ne le pouroit permettre".

and rewards, where it appears, 'raison d'état' is clearly linked, not to arbitrariness of a sovereign's decisions, but to the necessity of making laws respected by all. Addressing himself to Louis XIII, whom he considers to be too naturally inclined to indulgence, Richelieu insists that severely punishing those who hold the state and its laws in contempt is in the interests of the public.⁴⁸ Being indulgent with seditious elements only encourages them to revert to their evil ways against the public, and generally with more effect the second time than the first.⁴⁹ More exactly, if it is necessary to use certain means that conscience disapproves of, it is because impunity has been all too often apparent in French politics, and because law can no longer be enforced without the use of violence against factions or individuals rebelling against the sovereign power. On this subject, Richelieu finds on his side the theologians, who consider that "on certain occasions [those who govern the state] would be inexcusable if they were to prefer indulgence over a severe punishment". 50 Thus, 'reason of state' appears in its true light: that is to say, the preservation of the subjects' obedience to the law, founded on the authority of the sovereign.

Accordingly, crimes against the state, or of *lèse-majesté*, exclude all consideration of pity, and all the deliberation due to ordinary justice: the secrecy that accompanies plots against the state does not allow justice to follow its normal procedures, such as the hearing of all available witnesses and the examination of all available evidence. We find the same type of analysis in the work of Cardin Le Bret, *De la souveraineté du roi* (1632). In Book IV, Chapter 5, the jurist distinguishes three general categories of *lèse-majesté*: slander against the prince, attacks on his life, and conspiracy against his state. For all of them, the punishments he recommends are devoid of indulgence, and in implementing them the prince is considered

⁴⁸ Richelieu, *Testament politique*, 258: "Estre rigoureux envers les particuliers qui font gloire de mespriser les loix et les ordonnances d'un Estat, c'est estre bon pour le public, et on ne sçaurait faire un plus grand crime contre les intérêts publics qu'en se rendant indulgent envers ceux qui les violent".

⁴⁹ Richelieu, *Testament politique*, 258: "Entre plusieurs monopoles, factions et séditions qui se sont faites de mon temps dans ce royaume, je n'ay jamais veu que l'impunité ayt jamais porté aucun esprit naturellement à se corriger de sa mauvaise inclination, mais, au contraire, sont retournés à leur premier vomissement, et souvent avec plus d'effet la seconde fois que la première".

⁵⁰ Richelieu, *Testament politique*, 258: "Les théologiens en demeurent d'accord, aussy bien que les politiques, et tous conviennent qu'en certaines rencontres [où les particuliers feroient mal de ne pardonner pas, ceux qui sont chargez du gouvernement public] seroient aussi inexcusables, si, au lieu d'une sévère punition, ils usoient d'indulgence".

to be doing "his divinely prescribed duty". 51 Le Bret's perspective, like Richelieu's in the Testament politique, is that of a partisan of divine right 'sovereignty' who cannot consider the preventive punishment of crime against the state as anything other than the fulfilment of a religious mission. In such circumstances not to act in accordance with 'reason of state'. understood in these terms, would be to sin against the state. The proper framework within which Richelieu's 'reason of state' develops, then, is clearly one of a theory of 'sovereignty' in which 'reason of state' appears as a condition of the fulfilment of a divine mission. In contrast to William Church, who concludes his analysis of Le Bret by saying "that he accepted the essentials of reason of state", I would wish to argue that both Le Bret and Richelieu referred to 'reason of state' because they accepted the essentials of a 'sovereignty' which they placed and construed in the perspective of a theology of the state. It was this theological perspective of theirs on the state that led them to open the way to the extraordinary means of 'reason of state'.

I would like now to suggest that the difference between 'reason of state' and 'sovereignty' reappears openly as soon as the divine right of kings vanishes.

3. Beyond the Divine Right of Kings: Hobbes and the Legacy of Bodin

When he arrived in Paris at the end of November 1640, after the Long Parliament had started prosecuting those who espoused the defence of Charles I, Thomas Hobbes probably found himself, despite the difference in religion, in a political climate more favourable to his ideas than the English one. His *De Cive*, completed in October 1641, was dedicated to William, third Earl of Devonshire as from Paris, 1 November 1641, and published there in April 1642; Richelieu died on 4 December of the same year. Although the likelihood is very small that the Cardinal might have read *De Cive* during the last months of his life, one may still wonder what he would have thought of the book. One way of considering this question, very briefly, is to try to see what may be left of Richelieu's conception of 'raison d'état' in *De Cive*.

To put it bluntly, it seems to me that there is not much left of the 'theological' reason of state proper in *De Cive*, and that is for two main reasons.

⁵¹ Church, Richelieu and Reason of State, 275.

The first reason is that what mainly distinguishes *De Cive* from the little treatise circulated as a manuscript during the Short Parliament, in 1640, better known as *The Elements of Law*, is the presence of a whole section about religion.⁵² The content of this third section can be best summarized by quoting the content of a letter addressed from Paris, on 2 August 1641, to William Cavendish:

I am of the opinion, that Ministers ought to minister rather then gouerne; at least that all Church government depend on the state, and authority of the Kingdom, without which there can be no unity in the Church. Your Lordship may perhaps think this opinion, but a fancy of Philosophy. But I am sure that Experience teaches, thus much, that the dispute for [precedence] between the spiritual and civil power, has of late more than any other thing in the world, been the cause of civil wars, in all places of Christendom.⁵³

Hobbes's point here is that there can be no peace in a commonwealth as long as the spiritual power is not subordinated to the temporal power. In a Christian Commonwealth, the power of assembling men must be authorized by the head of the state, to whom, therefore, the Church must also be subject. It follows that "a City of Christian men, and a Church, is altogether the same thing, of the same men, term'd by two names, for two causes: For the matter of a City & a Church is one, to wit the same Christian men".⁵⁴ This conception of the Church being dependent on the secular ruler's authority is directly opposed to the views of Counter-Reformation writers such as Botero, who could not conceive of the state except from the perspective of the Church,⁵⁵ and also to the views of Richelieu, who develops a theology of the state of a quite different sort.

But there is more. What Hobbes adds to the traditional treatises on sovereignty is a philosophical justification of the subjects' obedience to

⁵² Hobbes's only reference to Bodin is to be found in *The Elements of Law*, II.viii, § 7, ed. F. Tönnies (London: Simpkin, Marshall, and Co, 1889), 172–3: "And if there were a Commonwealth, wherein the rights of sovereignty were divided, we must confess with Bodin, Lib. II. Chap. I *De Republica*, that they are not rightly to be called commonwealths, but the corruption of commonwealths".

⁵³ The Correspondence of Thomas Hobbes, ed. N. Malcolm (Oxford: Clarendon Press, 1994), 120. I have modernized the spelling.

⁵⁴ Hobbes, *De Cive, The English Version*, cap. XVII, § 21, ed. H. Warrender (Oxford: Clarendon Press, 1983), 236.

⁵⁵ Cf. R. Bireley, Counter-Reformation Prince. Anti-Machiavellism or Catholic Statecraft in Early Modern Europe (Chapel Hill, NC-London: The University of North Carolina Press, 1990).

their sovereign that does not rest on the divine right of kings.⁵⁶ Contrary to Richelieu, Hobbes does not consider obedience to the state as an obligation towards God.⁵⁷ Reason suffices to justify the political obligation of the subjects; reason also suffices to direct the conduct of sovereigns. This conduct, or those duties, as presented in De Cive's Chapter XIII. are related to the effective exercise of the rights of 'sovereignty' and no more. Interestingly, the Bodinian distinction between 'state' and 'government' is here transformed by Hobbes into a difference between 'sovereign' rights and the exercise of those rights. No room therefore, on the basis of Hobbes's thought, for a theory of 'reason of state' concerned, as Henry Parker and Francis Bacon are, with the efficiency of administration and government.⁵⁸ Whereas the duties of the 'sovereign' are contained by Hobbes in the Ciceronian formula, *The safety of the people is the supreme* law.59 the formula is not used for the purpose of justifying the arcana imperii of princes, as in Richelieu's approach, but in order to protect the rights of the sovereign, which are themselves the foundation of civil peace. Such a position could be considered as an authentic legacy of Bodin, beyond the theological turn of 'sovereignty' illustrated by Le Bret and Richelieu and beyond the Bodinian influence on Botero.

Indeed, the Bodinian inspiration in Hobbes can be best found in the latter's opposition to the idea of a constitutional right of resistance. Such an opposition, first expressed in the preface to the *République*, ⁶⁰ is surely

⁵⁶ For a different approach to the divine right of kings in Hobbes, see F. Lessay, "Hobbes, théoricien du droit divin des rois? Sur la théorie hobbesienne de la médiation du souverain entre Dieu et les hommes", in *Figures de la médiation et lien social*, eds. J.-L. Chabot, St. Gal, Ch. Tournu (Paris: L'Harmattan, 2006), 19–39.

 $^{^{57}}$ In *Hobbes et la toute-puissance de Dieu* (Paris, Presses Universitaires de France, 2000), I have made the point (pp. 228–36) that there is indeed an obligation towards God at the basis of the Hobbesian state, but that obligation is a *natural* obligation towards God's will considered as the origin of men's mortality, and not an obligation towards the God of the revelation.

⁵⁸ On Henry Parker, see A. Arienzo, "La ragion di stato nell'Inghilterra del Seicento: linee interpretative e ipotesi di ricerca", *Archivio della ragion di stato*, 6 (1998): 5–30, in particular 22–30. Concerning the first use of Reason of State in England, Arienzo refers to Ben Jonson's opera *Cynthia's Revels* (1600), and Francis Bacon's *The Advancement of Learning* (1605).

⁵⁹ Hobbes, De Cive, The English Version, cap. XIII, § 2: (1983), 157.

⁶⁰ Bodin, *République*, "Préface": (1986), 1: 14: "Il y en a d'autres contraires et droits ennemis de ceux-cy, qui ne sont pas moins, et peut estre plus dangereux, qui sous voile d'une exemption de charges, et liberté populaire, font rebeller les sujets contre leurs Princes naturels, ouvrans la porte à une licentieuse anarchie, qui est pire que la plus forte tyrannie du monde". The idea that tyranny is preferable to anarchy is a constant of Hobbes's thought on politics.

a defining feature of 'absolutism' in both authors. 61 What is noteworthy is not only that this characteristic is entirely independent of theological considerations of the kind apparent in Richelieu, but also that it is linked in both authors to the strict rejection of 'reason of state' conceived as a warrant to trespass on the common law. It is important to remember that in the preface to the *République* the rejection of a right of resistance is introduced by a condemnation of the "Prince corrupt with tyrannical opinions, [who] has the punishment come first before accusation, and condemnation before evidence".62 Such a practice, that had become common under Richelieu, had then been justified by political writers such as Guez de Balzac in the name of 'reason of state'. What does Bodin say about it? That it is "the greatest means that can be imagined in order to ruin the Princes and their state".63 Although familiar with the French 'reason of state', Hobbes follows the same line as Bodin: his rejection of a constitutional right of resistance goes hand in hand with a strict respect for juridical procedures.⁶⁴ If subjects are not allowed to take up arms against their sovereign, even though they consider him a tyrant, they also know that 'sovereignty' is respectful of the law, and of the forms of judicial procedures. Why should a sovereign, indeed, hide his intentions, and condemn people contrary to the law, since he is himself sovereign legislator?

The Hobbesian—indeed, Bodinian—justification of 'absolutism' thus appears as the best, and not so paradoxical, way of excluding 'reason of state': that is, the sovereign's need to resort to secret policies and violent decision-making in order to guarantee the safety of the state. In a well-ordered society, in which the citizens know why they are to obey the law, there should be no reason to practise the politics of 'reason of state'. Nonetheless, later politics of sovereignty still encounters 'reason of state' in terms not of Richelieu's but of Botero's definition: as the "administration of things" conceived as an efficient way of governing a people.

⁶¹ For Bodin's paradoxical 'absolutist' turn, see again Franklin, *Bodin and the Rise of Absolutist Theory*, cap. 3. For Hobbes's absolutism, see L. Foisneau, "Contrat social, souveraineté et domination selon Hobbes", in *Penser la souveraineté à l'époque moderne et contemporaine*, ed. Gian Mario Cazzaniga and Yves Charles Zarka (Pisa: Edizioni ETS; Paris: Vrin, 2001), 111–15.

⁶² Bodin, *République*, "Préface": (1986), 1: 14: ["]aussi le Prince depravé d'opinions tyranniques, fait passer l'amende devant l'accusation, et la condemnation devant la preuve".

⁶³ Bodin, *République*, "Préface": (1986), 1: 14.

⁶⁴ As for the very limited use Hobbes acknowledges of a right of resistance, see *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1991), xiv, 93; and on respect for the rules of procedures, see *Leviathan*, xxvi, 190, where Hobbes clearly says that "every man by recourse to the Registers, by himself, or others, may (if he will) be sufficiently enformed, before he doe such injury, or commit the crime, whither it be an injury or not".

Predominantly concerned with a view of politics aimed at preserving the state through efficient government, or political economy, this trend of thought has experienced a lasting and sometimes conflicting relationship with theories of 'sovereignty'—that is, with the legacies of Bodin and Hobbes—without ever being fully reconciled with them. Richelieu's 'raison d'état', with its specific mixture of theology and Machiavellianism, would have us believe that a sovereign state would need both faith in providence and secrecy in dealing with state affairs, in order to guarantee national security. Those two reasons explain why such a political stance does not belong to the Bodinian heritage. At a theological level, in so far as Bodin did get involved at some point with the League, this was in such critical circumstances that it does not signify abandonment on his part of a defence of toleration. From a juridical point of view, there is no place in Bodin for the kind of assault on basic liberties as that for which Richelieu was responsible. That is what a study of reception would lead us to conclude: the conclusion to a tale of 'creative reception', or 'recontextualisations, responses, uses' in conjunction with neglect. 65 It is surely a tale, that exemplifies many features of the overview of 'reception' with which the present volume begins.

⁶⁵ See above, pp. 28 sqq.

CHAPTER FOURTEEN

THE ITALIAN "READERS" OF BODIN, 17TH–18TH CENTURIES: READERS OF BODIN IN ITALY—FROM ALBERGATI TO FILANGIERI¹

Vittor Ivo Comparato

1. Discontinuity or Continuity²

From the perspective of Peter Burke's methodological approach, Bodin's reception in Italian culture appears—even at a first glance—to have been many-sided. In fact, his ideas seem to have been received by concurrent or successive acts of censorship, translation, censored translation, refutation, partial refutation, concealed reading, selective reading, and confrontation. Moreover, most of these acts seem to be politically oriented interpretations of his texts.

Despite these *prima facie* impressions, and while the period and the point in time ending with the definitive inclusion of Bodin's *Démonomanie* and of his *République* in the Clementine index of prohibited books (1596) have been widely studied,³ historical scrutiny of the following period is still rather sketchy. Therefore, in the absence of further studies, my paper shall focus on those texts, themes, and contexts, which suggest—either by direct or by circumstantial evidence—that Bodin's Italian readership was not marginalized by the ecclesiastical condemnation of his treatises.

Let us begin by asking what the effect of the condemnation was. May it have caused a temporary pause in the studying of Bodin, followed thereafter by a slow rediscovery of his thought? Or should the condemnation in

¹ Translated from the Italian by Andrew Cecchinato.

² This paper is a preliminary essay aimed at locating some significant contexts, prior to a more analytical research. For the general Bodinian bibliography see the *Bibliographie* of M.-D. Couzinet (Paris-Rome: Memini, 2001). For the text of *République* I have employed the Italian translation edited—with exemplary critical apparatus—by M. Isnardi Parente and D. Quaglioni, *I sei libri dello stato* (Torino: Utet, 1964–1997, 3 vols.). The textual quotations have been compared with the 1583 (Paris, Dupuy) edition.

³ See the fundamental essay of L. Firpo, "Ancora sulla condanna di Bodin", in *Il Pensiero politico*, XIV (1981): 173–186. See also R. Crahay, "Jean Bodin devant la censure: la condamnation de la 'République'", in *Il Pensiero politico*, XIV (1981): 154–172 and A. E. Baldini, "Jean Bodin e l'Indice dei Libri proibiti", in C. Stango, ed., *Censura ecclesiastica e cultura politica in Italia tra Cinquecento e Seicento* (Firenze: Olschki, 2000): 79–100.

itself be considered as a specific instance of Bodin's Italian reception, for it altered the conditions, but not the substance of the reasons why readers kept studying his main texts?

According to Roland Crahay, the power of ecclesiastical authority effectively to prevent access to prohibited books was generally overestimated.⁴ First of all, once a work's inclusion in the *Index librorum prohibitorum* with the clause *donec corrigatur* was determined, besides hindering the circulation of books it inevitably excited the curiosity of learned readers as well. For instance, it proved possible to revise and republish the Italian translation of the *Démonomanie* (1587) in two Venetian editions, prior to its definitive prohibition (1594).⁵ The translation of the *République* by Lorenzo Conti (1588) seems to have had a similar editorial success, 6 but it had no chance to be printed again, despite the translator's shrewd censorship of the French text, because, prior to the decision of the Congregation of Index (1592), the Holy Office had condemned this work, as published in any language, in 1591.8 Further, local inquisitors often allowed owners of prohibited books to retain them, as part of their own private libraries. In spite of Rome's repeated injunctions to seize and burn all available copies of Bodin's treatises, and to deny readers access to these texts, many of the documents referred to by Michaela Valente demonstrate the weak effectiveness of such prohibitions and injunctions.⁹ For example, in 1591 Traiano Boccalini wrote to Giulio Pallavicini of Genova, reminding him of "il Bodino et il Machiavelli". It is likely that the letter refers to the Genoese edition of Bodin's *République*, which would have been prohibited shortly thereafter.10

⁴ See Crahay, "Jean Bodin": 167.

⁵ See M. Valente, *Bodin in Italia. La* Démonomanie des sorciers *e le vicende della sua traduzione* (Firenze: CET, 1999): cap. 2. After the definitive prohibition, 675 unsold copies remained to the Venetian printer Manasse: that means a considerable number of printed copies.

⁶ Considering the number of copies listed till now in Italian libraries by the "Servizio Bibliotecario Nazionale".

⁷ See R. Benedettini, "I *Six livres de la République* di Jean Bodin tradotti da Lorenzo Conti. Tra segni di censura e filologia", in *Il Pensiero politico*, 42 (2009): 198–229.

⁸ Firpo, "Ancora sulla condanna di Bodin": 181.

⁹ Valente, Bodin in Italia, 162-3, 186.

¹⁰ R. Savelli, "Su una lettera inedita di Traiano Boccalini e alcuni manoscritti di Giulio Pallavicini", in *Il Pensiero politico*, 16 (1983): 404. Boccalini was twice subjected to inquisitorial proceedings by the Holy Office, in 1605 and 1610, for possessing prohibited books: A. Ciccarelli, "Traiano Boccalini: la ragion di stato tra satira e *sinceritas*. Quale accettabilità per Machiavelli?", in *Les Dossiers du Grihl*, *Les dossiers de Jean-Pierre Cavaillé, Les limites de l'acceptable*: http://dossiersgrihl.revues.org/4770, note 18.

According to the Congregation of the Holy Office, Bodin's *République* was indeed his most dangerous treatise. In fact, Antonio Possevino and all other intellectual leaders of the Counter-Reformation believed its treacherous doctrine to be un-emendable, since they saw it as the greatest theoretical warehouse of the ideas of the *politiques*.¹¹ The Congregation of the Index, on the other hand, seems to have been more inclined (at times, at least) to consider Bodin's text emendable. It entertained such a view especially after the absolution of Henry IV, but only until the efforts to eradicate the cultural roots of *politique* religious and political principles resumed.¹²

Interpreters wishing to assess Bodin's impact on Italian culture must also recognize that acts of censorship and public refutations—such as Possevino's Judicium¹³ or Fabio Albergati's Discorsi politici¹⁴—were able to convey to their readership the tenets of Bodin's doctrine, or else they risk misrepresenting the complex notion of reception. For instance, in the case of Giovanni Botero—who was one of the consultors to the Congregation of the Index, appointed in 1587—it is reasonable to acknowledge a peculiar strategy of silence towards Bodin. According to André Stegmann's interpretation of his treatise, *Della ragion di Stato*, Botero largely drew his scholarship from the same sources that Bodin himself had relied upon in his Methodus. In other words, Stegmann suggests that Botero's diffidence towards the French jurist, and towards the doctrine set forth in the République, did not prevent him from reading the Methodus closely whilst simply setting aside the principles he did not agree with or considered irrelevant.¹⁵ We may thus conclude that this was what allowed Botero, though hostile to Bodin's doctrine, silently to bequeath a part of its legacy to the coming generation of writers on reason of state.

As a matter of fact, detractors of Bodin—such as Albergati—were not always able successfully to discourage scholars from perusing his treatise. Quite on the contrary, their censures actually invigorated interest towards

¹¹ See Crahay, "Jean Bodin": 162-63.

¹² A. E. Baldini, "Albergati contro Bodin: dall'*Antibodino* ai *Discorsi politici*", in *Il Pensiero politico*, 3 (1997): 303.

¹³ A. Possevino S. J., *Judicium de Nuae militis Galli scriptis . . . De Johannis Bodini Methodo historiae, Libris de Republica et Daemonomania. De Philippi Mornaeo libro De perfectione christiana . . . (Romae: ex typ. Vaticana, 1592).*

¹⁴ F. Albergati, *Dei discorsi politici libri cinque. Nei quali viene riprovata la dottrina di Gio. Bodino, e difesa quella di Aristotele* (Roma: Zanetti, 1602).

¹⁵ A. Stegmann, "Modules antiques et modernes dans la 'Ragion di stato' et leur fonctionnement", in A. E. Baldini, ed., *Botero e la 'Ragion di stato'*. *Atti del convegno in memoria di Luigi Firpo* (Firenze: Olschki, 1992): 29–31.

Bodin's doctrine, as they stirred the curiosity of readers who were "more interested in novelties than in truth", and ignited in them the desire "not only to read him once more, but to follow his doctrine". ¹⁶

Albergati was the Roman agent of Francesco Maria II della Rovere, the Duke of Urbino, and in one of his letters he lets us understand that his patron was one of Bodin's great admirers.¹⁷ Yet, as a diplomat and a scholar, Albergati was also tied to the Roman curia; by intercession of Cardinal Francisco de Toledo, he was granted permission to read Bodin's *République*, but also instructed to refute it. Thus, at the height of the Bodinian controversy of 1596, Albergati wrote his unpublished *Antibodino*. He sent a copy of it to the Duke, who in essence replied: "Thanks, I shall read it".¹⁸ Only after substantially enlarging his original manuscript did Albergati eventually decide to publish it, first in Rome (1602) and then in Venice (1603), under the title: *Dei discorsi politici libri cinque. Nei quali viene riprovata la dottrina di Gio. Bodino, e difesa quella di Aristotele*.

Years after Bodin's conviction, the Church was still alert to possible traces of his doctrine, and the treatise authored by Albergati was a signal of this enduring watchfulness. Yet, it was also the fulfilment of Albergati's own intellectual endeavour to gain credit among political scholars. ¹⁹ In this sense, he may be regarded as one of the first seventeenth-century readers of Bodin: a systematically dissenting reader, whose polemical take on the French author actually enhanced Bodin's appeal and further granted access to his *République* by extensively quoting it and translating passages from its Latin edition.

It is important to acknowledge that the reception of banned authors is most likely to have been often tacit, selective and functional. Scholars, in fact, apprehended tenets of outlawed doctrines, but concealed using them for their own political purposes, by rendering partially distorted images of their authors. In his *Commentari sopra Cornelio Tacito*, Traiano Boccalini quoted the same passage from Polybius that Bodin mentioned in his *Methodus* and in his *République*, to criticize the political use of religion as an *instrumentum regni*, but left out Bodin's position to the effect

¹⁶ "più delle novità, che delle verità vaghi…non solo di vederlo, ma di seguitarlo ancora": F. Albergati, *Dei discorsi politici*: dedicatory letter to Cardinal Aldobrandini, 2.

¹⁷ Baldini, "Albergati contro Bodin": 287–310.

¹⁸ Baldini, "Albergati contro Bodin": 304.

¹⁹ On Albergati's critical campaign against the *République* see D. Quaglioni, *I limiti della sovranità*. *Il pensiero di Jean Bodin nella cultura giuridica e politica dell'età moderna* (Padova: CEDAM, 1992), 188–95, 219–23.

that religion represents the basis of a state, not an instrument of power.²⁰ So in his satirical *Ragguagli*, Boccalini condemned Bodin to be burnt at the stake for having proclaimed the necessity to tolerate the coexistence of different religions within the same state (whenever they could not be reduced to a single one), following the well-known saying of Theodoric the Great: "we cannot rule religion because no one is compelled to believe against his will (*religionem imperare non possumus quia nemo cogitur ut credat invitus*)".²¹

Since naturalism and freedom of conscience always cast their shadow over Bodin—and heightened, in this regard, his association with Machiavelli²²—scholars wishing to avail themselves of his ideas were compelled to condemn his religious doctrine. This attitude may be clearly perceived in Gabriel Naudé's two treatises: the *Advis pour dresser une bibliothèque*, written in Italy but published in Paris (1627),²³ and his *Bibliographia politica*, written in Rome and then published in Venice (1633). While praising Bodin in both works and calling him the greatest political writer of the past century ("truly fit to be acknowledged in respect of his *Respublica*, a work elaborated with genius, refined with diligence, perfected with judgement"),²⁴ Naudé insistently reminded his readers that the Church had condemned the French jurist for his religious doctrine. In

²⁰ T. Boccalini, La bilancia politica di tutte le opere... dove si tratta delle osservazioni politiche sopra i sei libri degli Annali di Tacito (Castellana: Wiiderhold, 1678): 99–100. Cf. Bodin, Methodus ad facilem historiarum cognitionem, in Oeuvres philosophiques de Jean Bodin, ed. P. Mesnard (Paris: Presses Universitaires de France, 1951), 130; also République: dedication to Guy du Faur de Pibrac (I sei libri dello stato, 1: 137); and see République IV.vii (I sei libri, 3: 581–84).

T. Boccalini, *Ragguagli di Parnaso* (Amsterdam: Blaeu, 1669): centuria I, rag. LXIV, 275–88. In reality, by entrusting his anti-Bodinian accusation to the "Turkish Monarchy", Boccalini made possible a hidden second reading of the trial at the court of Apollo: a confirmation of the thesis advanced in his *Commentari* that religion had became the instrument of princes to keep peoples under bridle. See H. Hendrix, *Traiano Boccalini fra erudizione e polemica. Ricerche sulla fortuna e bibliografia critica* (Firenze: Olschki, 1995), and commentaries on this book in *Il Pensiero politico*, 31 (1998): 301–20.

²² Campanella in his *Articuli prophetales* roundly condemns Bodin as Machiavellist and "a foolish and wicked man (*homo insipiens et impius*)", because he had rejected in the *Methodus* the theory of the Four Monarchies and the Golden Age: T. Campanella, *Articuli prophetales*, ed. G. Ernst (Firenze: La Nuova Italia, 1977), 233.

²³ G. Naudé, *Advis pour dresser une bibliothèque* (Paris: Rolet le Duc, 1644), 58–59: Bodin is described, along with Erasmus, Lipsius, Casaubon, Cardano, Patrizi..., as one of the unforgettable authors, because they shine as stars in their sphere and, in other words, are "esprits qui ne sont pas du commun".

²⁴ "Sane quantum ad eius Rempublicam spectat, fatendum est, opus esse elaboratum ingenio, expolitum industria, perfectum iudicio": G. Naudé, *Bibliografia politica*, ed. D. Bosco (Roma: Bulzoni, 1997), 120.

fact, after having mentioned Bodin's still unpublished *Colloquium hepta-plomeres de rerum sublimium arcanis*, Naudé recommended that it should never be published (" $utinam\ nunquam\ edatur$ "). By mediating Bodin's reception and pointing out the fundamental importance of his *République* for seventeenth-century readers, Naudé established the tacit convention, according to which historians and political scholars might read (with permission)²⁶ this political masterpiece, as its religious tendencies were of minor importance.

It would appear (even from a preliminary inquiry) that, during the first decades of the seventeenth century, Italian scholars followed the prudent advice of the French libertine.

2. Sovereignty as Concept and as Political Instrument

Political writers were mostly interested in the first two books of the $R\acute{e}publique^{27}$ and focused their attention, in particular, on the theoretical systematization of sovereignty, on the question of mixed government, and on Bodin's review of the legal status of Italian regimes.

Rodolfo De Mattei has dealt with the first of these three issues, in his essay on Italian echoes of the Bodinian notion of sovereignty. In it, he argues extensively that the 'prince' and the 'state' conceived by the authors of *raison d'état*—who described the power of princes, outlined their prudence, and enumerated their virtues—had become equivalent to the notions of 'sovereign' and 'state' as defined by Bodin. Even when these authors refrained from directly quoting the *République*, De Mattei traces its presence amongst them, by highlighting the lexical adoption of Bodinian notions such as *suprema potestas*, or its Italian equivalents (*suprema maestà*, *suprema potenza*). All these terms, in fact, equally expressed, in

²⁵ Naudé, *Bibliografia*, 134.

²⁶ Naudé, *Bibliografia*, 120: "...ad Ecclesiæ solius iudicium; cuius censuris quoniam vehementius urgetur, quam inimicorum argumentis, hinc est, quod ipsius libri evolvi minime debeant, nisi obtenta prius et hunc et quoslibet auctores politicos legendi facultate".

²⁷ It therefore appears that very limited attention was paid to the arithmological themes and to the theory of *justice harmonique* in Book VI, although curiosity about this kind of argument had initially drawn Albergati to read the *République*. Albergati argued extensively against the Bodinian theory of proportions in *Dei discorsi*: lib. 3, caps. 4–9: ^{240–289}.

²⁸ R. De Mattei, "Echi del concetto di sovranità del Bodin", in De Mattei, *Il pensiero politico italiano nell'età della Controriforma*, 2 vols. (Milano-Napoli: Ricciardi, 1982), 1: 143–63.

Bodinian fashion, the absolute independence of the sovereign *qua* sovereign from anyone above him and his legislative jurisdiction over subjects below him. Albergati, Girolamo Frachetta, Celso Mancini, Gabriele Zinano, Pietro Andrea Canonieri, Lodovico Sèttala are among the authors whose knowledge of the *République* is indisputable, and all of them adopted this Bodinian notion of *suprema potestas*.

The Italian translation of *souveraineté*—*sovranità*, or *sopranità*, a neologism of the time—appears less frequently in the political literature. When it does appear, it is in reference to a power supreme, perpetual and independent in its nature, conceived by scholars in a typically Bodinian fashion. Regardless of any direct quotation, the influence of the French jurist in such cases is, once again, undeniable. Federico Bonaventura, Scipione Chiaramonti, Lodovico Zúccolo and Raffaele Della Torre are a few of the authors who availed themselves of such translated notion.

Another is Paolo Sarpi. At the height of his controversy with the Church of Rome, during the Venetian interdict of 1606 and in its aftermath, Sarpi became particularly interested in the notion of absolute sovereignty. According to him, no prince subject to a foreign legislator could be considered fully sovereign. The authority of the external ruler, in fact, would have limited the prince's power and thus deprived him precisely of his sovereignty.²⁹

Several passages in the treatises written by Sarpi, in common with his correspondence with French Protestants and Gallicans,³⁰ suggest that he had a thorough knowledge of Bodin's *République*. For example, in the *Storia dell'Interdetto* he writes that the Venetian Senate had informed the king of France of its intention "to defend with all its strength the liberty and the authority it had received from God".³¹ Further, in one of his most delicate and explicit *Consulti*, regarding ecclesiastical claims on the construction of new churches, the notion of sovereignty is once again of crucial importance. The prince, he writes, "exercises his power over all the land of his empire and even over those who possess portions of it; such power is granted to him by Divine Law, as proven by the Holy Scriptures and by scholarly opinion". Again, "This sovereignty, in a well-ordered

²⁹ De Mattei, "Echi", 156.

³⁰ See P. Sarpi, *Lettere ai protestanti*, ed. M. D. Busnelli (Bari: Laterza, 1931); *Lettere ai gallicani*, ed. B. Ulianich (Wiesbaden: Steiner, 1961).

³¹ "di voler deffender la libertà e l'auttorità datale da Dio sino all'ultimo, senza ceder punto": P. Sarpi. *Storia dell'interdetto*, in *Scritti scelti*, ed. G. Da Pozzo (Torino: Utet, 1968), 354.

commonwealth, allows the prince to exercise his power over anything or anyone, in order to pursue the common good, and none of his subjects may disobey his command". 32

These issues of jurisdiction hinged entirely on the tight connection that Bodin had postulated between sovereignty and legislation. Whether ecclesiastical dispositions conflicting with internal legislation should be incorporated within metropolitan legal systems, was a problem vexing the Republic of Venice as well as major European Catholic sovereigns. Some of them, such as the king of France, had refused to accept the decrees adopted by the Council of Trent within their own legal systems; some others did not recognize ecclesiastical censorship as having immediate validity, nor acknowledge the direct effectiveness of interdicts and excommunications. Therefore, these ecclesiastical acts were not considered to be self-executing, as their effectiveness depended on the endorsement of civil authority. Sarpi therefore wrote that, when clergyman expected not to be subject to secular laws, this amounted to "a great absurdity, as it would have been like saying they lived according to no law".³³

From a broader perspective, Bodin's doctrine had both a specific and a general significance in relation to the political processes of the day. Since it maintained and confirmed many of the traditional principles of Italian legal scholarship, it may be conceived as a sort of *opinio communis*. Its authority helped strengthen centralized power, simplify international relations, and further undermine the ties of feudal dependence that were still typical of Italian small states, and would remain typical until the end of the eighteenth century.

Italian republics and principalities were particularly sensitive to all these issues. While the concept of sovereignty was generally accepted, Bodin's review of Italian regimes and of their effective legal status was

³² "ha potestà sopra l'area, la superficie et il fondo di tutto il suo imperio, e sopra li privati che lo possedono, perché questo è de jure divino, come nella Sacra Scrittura è manifesto, e li dottori attestano". "Questa sorte di sopranità, in una ben ordinata republica, ricerca che il principe possa di qualunque cosa e persona disponere sì come ricerca la necessità et utilità del ben publico, né il privato possi far cosa alcuna del suo contro la proibizione del principe": P. Sarpi, *Consulti*, in *Scritti scelti*, 439. And see Bodin, *République* I.viii: (1583), 156–7: "... il ne pourra aussi prendre le bien d'autruy sans cause qui soit juste et raisonnable, soit par achat, ou eschange, ou confiscation legitime, ou traittant paix avec l'ennemi, si autrement elle ne se peut conclurre, qu'en prenant du bien des particuliers pour la conservation de l'estat... mais la raison naturelle veut que le publique soit preferé au particulier..." (*I sei libri dello stato*, 1: 398).

^{33 &}quot;danno in grande assurdità, perché è tanto come se dicessero che sono lenza legi": P. Sarpi, Consulti, 483.

understandably questioned. After all, according to Bodin truly sovereign princes in Italy were rather few: "With the exception of the Republic of Venice, there is no other prince or city in Italy, that does not depend either on the Empire, or on the Pope, or on the king of France". 34 Bodin considered Naples, Sicily, Sardinia and Corsica to be under the high feudal jurisdiction of the pope. He regarded Milan, the Republic of Genoa, the Republics of Siena and Lucca, the Grand Duchy of Tuscany, and all the northern lordships in the Po Valley (apart from Ferrara, which fell under the jurisdiction of the pope) as subject to the Empire. Regardless of Cosimo de' Medici's ambitions, the Grand Duchy of Tuscany did not become a kingdom, owing to Imperial opposition.³⁵ For this same reason and despite having conquered the city, Cosimo held Siena as a fief given by the king of Spain and as an Imperial vicar, a title that implied his submission to a higher authority. This same title was also held by the dukes of Savoy, who nonetheless claimed for themselves the sovereign prerogative of not recognizing any superior.³⁶

In order to put aside these age-old and intricate forms of subordination, Italian princes had to declare themselves subject directly to God. This is, for instance, what Ferdinando I de' Medici stated in the testament he drafted in 1592, shortly after having risen to power.³⁷ Nevertheless, just over a century later, once the Medici had no longer any ostensible male heir, Cosimo III attempted to designate as rightful successor his daughter Anna Maria, but all his efforts failed.³⁸ No claim of sovereignty, in fact, could have rescinded the Florentine dependence on the Empire, as later reaffirmed by Charles VI with the succession of the Duke of Lorraine to the Grand Duchy of Tuscany.

Bodin had denied all the legal foundations for sovereign power in respect of Italian cities.³⁹ His doctrine acknowledged a long-running political process, driven in Italy by monarchies and principalities. Albergati

³⁴ République: Lix: (1583), 180 (*I sei libri dello stato*, 1: 434): "Car si nous ostons la seigneurie de Venise, il n'y a Prince, ni ville en Italie, qui ne tienne de l'Empire, ou du Pape ou de la Couronne de France".

³⁵ République, I.ix (I sei libri dello stato, 1: 473).

³⁶ République, I.ix (I sei libri dello stato, 1: 437, 443).

³⁷ Archivio di Stato di Firenze, *Notarile moderno*, Matteo Carlini, fo. 56vo.

³⁸ F. Diaz, *Il Granducato di Toscana. I Medici* (Torino: Utet, 1976), 514–524.

³⁹ Bodin, *République*, Lix: (1583), 183: "Mais pour monstrer plus clairement que les villes et communautés d'Italie n'ont point de souveraineté, c'est que tous leurs advocats et Iurisconsultes ont tenu qu'elles ne peuvent faire loy ny costume contraire, ou derogeant au droit commun que l'Empereur Frederic fit publier, et pour ceste cause les villes quitterent par le traicté de Constance les marques de souveraineté" (*I sei libri dello stato*, 1: 438–9).

understood, early on, the theoretical complication that the Italian case exposed at the very centre of the Bodinian doctrine, for it was difficult to discriminate between the sovereignty of a respublica and the juridical self-government of a *civitas*—that is, the fundamental politico-legal character of any civil community.⁴⁰ Italian republics too (Venice excepted) were deprived of their freedom, and this was especially disagreeable. Consequently, Genoese readers of the République—such as Della Torre rejected Bodin's historical and political analysis, and yet were interested in adopting his notion of sovereignty. This is what Della Torre wrote circa 1644: "as the Republic of Genoa is free from any confederative union, its sovereignty raises it above all other dependent regimes and places it alongside those polities which have received their authority directly from God and therefore do not answer to any superior earthly ruler". 41 Because of his pro-French political convictions, Della Torre wished to dissociate his republic from the Italian entanglements of the Spanish imperial system.⁴² Therefore he adopted Bodinian notions, though his use of them was strictly functional.43

In order fully to understand the complex context of Bodin's reception, it is necessary to bear in mind that the main historical paradigms of republics—such as Sparta or Venice—were inconsistent with the rejection of mixed states as set forth in the *République*. It is worth recalling that Bodin criticized Gasparo Contarini precisely in this regard, in the first chapter of the second book of his masterpiece.

The ecclesiastical state, according to its most faithful commentators, was another form of mixed state.⁴⁴

⁴⁰ Albergati, Discorsi, lib. 1: 19-20.

⁴¹ "la sovranità che assolutamente possiede la Repubblica genovese, libera e sciolta da ogni benché eguale confederazione, è da per sé sola bastante a sollevarla sopra quei Potentati tutti in qualunque maniera dependenti, e collocarla, come in ispecie di natura diversa, nella classe di quelli che, ottenuta l'autorità immediatamente da Dio, altro superiore non riconoscono in terra": R. Della Torre, *Esame delle preminenze Reali pretese dalla Corte di Roma*, MS. quoted by De Mattei, "Echi", 160.

⁴² On Della Torre see R. Savelli, "Della Torre", in *Dizionario biografico degli Italiani*, 37 (1989), s.v.

⁴³ In fact he described the "governo misto" as a combination of variable elements, lexically defined by its dominant character. See *Squitinio della Republica di Venetia d'autore incognito squitinato da R. Della Torre genovese* (Genova: Benedetto Guasco, 1653), lib. I: 376 sqq., cited by R. De Mattei, "Le difese del "governo misto" contro la critica negatrice del Bodin", in De Mattei, *Il pensiero politico italiano nell'età della Controriforma* (Milano-Napoli: Ricciardi, 1984), 2: 142–143.

⁴⁴ Such as Tommaso Bozio and Albergati: De Mattei, "Le difese del governo misto", 136–37.

This model was so flexible that it could appropriately describe any form of state ruled by a balanced government.⁴⁵ Hence, most Italian scholarly supporters of the idea of *raison d'état* were critical of this Bodinian point of view. They preferred, instead, to maintain their Aristotelian convictions and defend the legal status of their own states, regardless of how small these might have been.⁴⁶ Italian supporters of republicanism—for instance, Ansaldo Cebà, the author of *Il cittadino di repubblica* (1617)—shared this same view.⁴⁷ It seems clear that, in all these instances, scholars availed themselves of Bodin's notion of sovereignty to pursue their own political designs, regardless of its inherent inconsistency with the doctrine of mixed state.

Among Italian readers, there were also more rigorous interpreters of Bodin's doctrine. One of them was Pier Maria Contarini. In his *Compendio universal di republica* (1602), he adopted the Bodinian distinction between forms of state and forms of government.⁴⁸ In this respect, he appropriated to himself the other conceptual innovation of the theory of state devised by the French jurist, but Contarini never mentioned his source.

This kind of differentiation—along with the notion of sovereignty—allowed Italian interpreters to distinguish abstract legal schemes from concrete institutional arrangements. Departing from classical tradition, scholars would have been entitled to celebrate the institutions effectively governing a state.⁴⁹ Contarini did not dispute Bodin's assertion that the people had no role in the Venetian government.⁵⁰ After all, Venetian and Genoese aristocratic writers had no reason to contest the opinion laid out by Bodin in his *République* II.vi: the smaller an aristocracy's size, the firmer its power.⁵¹ A critical attitude, instead, could have come from aristocrats out of power, but such perennial infighting did not necessarily involve competing interpretations of Bodin's doctrine.

⁴⁵ R. De Mattei, "La fortuna della formula del "governo misto", in De Mattei, *Il pensiero politico italiano*, 2: 112–129.

⁴⁶ R. De Mattei, "Le difese del "governo misto", 130-145.

⁴⁷ A. Cebà, *Il cittadino di repubblica*, ed. V. I. Comparato (Firenze: Centro Editoriale Toscano, 2001), 21–2.

⁴⁸ P. M. Contarini, *Compendio universal di republica*, ed. V. Conti (Firenze: CET, 1990), 54–7. On this point, Albergati was, on the contrary, a harsh critic: *Discorsi politici*, lib. II, cap.X, 202–7. See also R. De Mattei, *Il problema della "ragion di stato" nell'età della Controriforma* (Milano-Napoli: Ricciardi, 1979), 118–120.

⁴⁹ V. Conti, "Introduzione", in P. M. Contarini, Compendio, XXI.

⁵⁰ P. M. Contarini, *Compendio*, 35–36.

⁵¹ P. M. Contarini, Compendio, 37.

Academic research has yet to ascertain the degree to which Italian readers of the first half of the seventeenth century were influenced by the other books of the République. In them, Bodin dealt with issues discussed in all political treatises of the time, such as, for instance, the selection of senators and councillors (III.i); the relationship between the legislator, law and the magistrate (III.iii-iv); the venality of offices and the perpetuity of their tenure (IV.iv); the "orders" of citizens and, in particular, the aristocracy (III.viii); the rise and fall of commonwealths (IV.i-iii, V.i-ii); the financial stability and monetary policy of states (V.ii-iii, VI.ii); and so on. Because of the absence of direct quotations, it is not always possible to trace back, with certainty, matters conceived by Italian scholars in response to Bodin's ideas. The conventionality of sources employed in early modern political thought complicates the matter even further. On this kind of juridico-political topic Bodin relied mostly on classical political scholars and ancient historians (such as Aristotle, Plato, Cicero, Polybius, Plutarch, Livy, Tacitus and Suetonius), or on Italian canonists and commentators. There was little distinctive in his authorities, as most learned authors were drawn to the same ones as well. The questions he addressed were frequently raised by other authors too. For instance, the extent of a magistrate's autonomy to interpret and apply the law⁵² had been controversial ever since Aristotle: no allusion to aeguitas, however incidental, could have failed to address it, and, likewise, there was nothing distinctive in citing Aristotle or Connan in this connection. In other instances, the absence of any reference to Bodin may signal an author's precise intent to keep away from burning issues and contentious sources. This is, for example, the case of Ottavio Sammarco. His Delle mutazioni de' regni (1628) never mentions the French scholar,⁵³ nor the French wars of religion, despite addressing the causes of religious war and frequently referring its readers to Tacitus and Guicciardini, or tacitly alluding to Machiavelli

3. Roman History: A Case for Discussion

Among late-seventeenth and eighteenth-century Italian readers of Bodin, Neapolitan interpreters were no longer worried by the religious implications of his doctrine. The circumstances of time and place compelled

⁵² Bodin, *République*, III.iv–v; VI.vi (*I sei libri dello stato*, 2: 189–90; 3: 570, 574–6).

⁵³ O. Sammarco, Delle mutazioni de' regni (Milano: Silvestri, 1825), 68.

them, rather, to criticize another main *motif* of the *République*: the reconsideration of Roman history. This matter became of paramount importance to Italian readers. Bodin had already appreciated its significance, yet it is necessary to note that this issue had an even greater paradigmatic value for Italian readers than it had for Bodin, in relation to the problems of state stability and to the *conversio rerum publicarum*.

To appreciate how much circumstances had changed, it is useful, first of all, to acknowledge that access to Bodin's works had broadened. Bodin's Neapolitan readers of the late seventeenth and early eighteenth centuries could easily have consulted his treatises, as they were part of the private library (but open to scholars) of Giuseppe Valletta, a lawyer and a bibliophile. Valletta was also the author of an *Historia philosophica* and one of the most polemical voices in the anti-Inquisitorial controversy of the 1690s. His library included both Italian translations and both Latin editions (Paris 1586 and Geneva 1609) of the *République*, the 1650 edition of the *Methodus ad facilem historiarum cognitionem*, the 1578 *Iuris universi distributio*, the Latin translation of the *Response . . . au paradoxe de Monsieur de Malestroit* edited by Herman Conring (Helmstedt, 1671), and Johannes Angelius Werdenhagen's abridgement (*Breviarium*) of the *République*. 55

It could be argued that the curiosities of a bibliophile are not necessarily an indication of Bodin's relevance to the intellectual debate of the time. Nevertheless, the lectures on the history of empires, held by the foremost Neapolitan scholars of the Academy of the viceroy Medinaceli (1698–1701), frequently referred to his works.⁵⁶ In all likelihood, Bodin's new readers followed Gabriel Naudé's advice and adopted the *République* as a celebrated benchmark treatise. However, they reverted to his doctrine at a dramatic juncture in European history. The Academy had chosen to

⁵⁴ On Valletta see V. I. Comparato, *Giuseppe Valletta. Un intellettuale napoletano della fine del Seicento* (Napoli: Istituto italiano per gli studi storici, 1970); G. Valletta, *Opere filosofiche*, ed. M. Rak (Firenze: Olschki, 1975).

⁵⁵ Eighteenth-century MS. inventory of the *Biblioteca Oratoriana* in Naples. For the corresponding editions see R. Crahay and M.-T. Isaac, *Bibliographie critique des éditions anciennes de Jean Bodin* (Bruxelles, Académie Royale de Belgique, 1992). On Werdenhagen and his rôle in the reception of Bodin in Europe see R. Crahay, "Dalla 'République' di Jean Bodin alla 'Synopsis' di Johanns Angelius Werdenhagen (1635): un rinnovamento dei concetti religiosi e politici", in *Rivista storica italiana*, 104 (1992): 629–77; D. Quaglioni, "Un breviario politico per i principi: La "Synopsis" di Johann Angelius Werdenhagen (1635 e 1645)", in Ch. Dipper and M. Rosa, eds., *La società dei principi nell'Europa moderna (secoli XVI–XVII)* (Bologna: Il Mulino, 2005), 147–62.

⁵⁶ The lectures have been edited by M. Rak, *Lezioni dell'Accademia di palazzo del Duca di Medinaceli (Napoli 1698–1701)* (Napoli: Istituto italiano per gli studi filosofici, 2000–2005), 5 vols.

devote its lectures to the history of empires, as it was preparing (more or less explicitly) for an imminent *conversio*: the succession to Charles II to the throne of Spain. Rather than a peaceful transition of power governed by international law, this succession immediately became a cause for war. Neapolitan scholars were champions of continuity and therefore favoured the succession of Philip V. Nevertheless, they were aware of witnessing a transitional moment: the Spanish empire might have fallen, while a different dynasty was rising to power and inaugurating a new political age. Hence scholars began to wonder: how are states founded? What causes the rise and fall of great empires, such as the Assyrian, the Persian and the Greek? What lessons may be learned by studying Rome's history, its three successive systems of government, and the character of its rulers? Neapolitan scholars, sometimes citing him, seem to recall Bodin's opinion on the rise and fall of commonwealths, his review of mixed governments, his notion of popular sovereignty in republican Rome in their political debates.

In his seven lectures on Roman history to the Academy, Niccolò Sersale, who was an ecclesiastic very close to the Viceroy, argued that, over time, empires were brought to an end by a combination of multiple causes, such as greed of rulers,⁵⁷ corruption of the military, excesses of power and wealth concentrated in the hands of a few, disregard for ancient laws, infiltration of foreigners, unrestrained public spending, courtiers' flattery, civil wars, and succession failures. Expressing the common sentiments of the day, Sersale considered this last cause to be the most critical, as it jeopardized the overall stability of a monarchical regime. Hence, he used his lectures to portray Constantine as a cruel and violent Roman emperor who had been corrupted by all the aforementioned vices and, in addition, had split the empire by designating four successors.⁵⁸ This, Sersale argued, had been such an unforgivable mistake that no doctrine could justify it, not even the treacherous doctrine of the *raison d'état*.

If it is likely on the one hand that Sersale was recalling Bodin's validation of agnatic succession (and of the political stability it granted to hereditary monarchies that observed it) as he commended effective transitions of power,⁵⁹ it is clear on the other hand that while writing his lectures he had in mind Bodin's constitutional reading of Rome's republican

⁵⁷ "l'ingiusta avidità di signoreggiare": Rak, ed., *Lezioni*, 1: 341.

⁵⁸ Rak, ed., *Lezioni*, 1: 347–9.

⁵⁹ Bodin, République, IV.i (I sei libri dello stato, 2: 351–2).

history. The French jurist had forcefully argued that the Roman people had become sovereign after the fall of the Tarquini. In his judgement, this transition prevented the state from being ruled by any form of mixed government.⁶⁰ So, while he registered Rome's history as a particular instance of the broader narrative reviewing the rise and fall of empires, he maintained, in Book IV of the *République* that Romans were never "more illustrious (*plus illustres*)" than under their democratic regime.⁶¹

Partly deviating from Bodin's interpretation, Sersale defined the Roman republic as a "consular state (*stato consolare*)", and in his lectures suggested that the Roman regime balanced the authority of consuls, senators and people; yet he never expressly referred to it as a mixed government. Further, he believed that the tribunes of the people had been so audacious that they had (at times) regrettably tilted the republic towards its democratic form of government.⁶² Sersale knew that the cogency of Bodin's reasoning heightened the primacy of political theories advocating the superiority of monarchical forms of government over contemptible democratic ones. Yet, while acknowledging that the effectiveness of Senate decrees was contingent on the tribunes' ratification,⁶³ he was unwilling to follow Bodin and allow that this constituted a proof of popular sovereignty.

Tommaso Donzelli took a different view of Roman history. *Il dottor fisico* (the son of Giuseppe, a doctor who had favored the Neapolitan Republic 1647 and had written its history) praised Rome's popular republic, as well as the Gracchi, and the agrarian law. Yet he also expressed admiration for Julius Caesar—so Bodin's harsh judgement of Caesar's character does not seem to have affected him.⁶⁴

While further instances of Bodin's impact upon Neapolitan scholars could be examined, it seems sufficiently apparent that Italian readers had availed themselves, once again, of the *République*. As the twists and turns of the Spanish war of succession (which scholars had anticipated) followed their course, observers turned in their political meditations to the *République*, as the text offered them both a theoretical account of statehood and a vast historical survey of events concerning actual states.

⁶⁰ République, II.i (I sei libri dello stato, 2: 554).

⁶¹ République, IV.i: (1583), 510; I sei libri dello stato, 2: 347.

⁶² Rak, ed., *Lezioni* 1: 295-7.

⁶³ "doveva da essi [i Tribuni] essere approvato et ratificato, altrimenti era nullo et invalido": Rak, ed., *Lezioni*, 1: 296.

⁶⁴ République, IV.i (I sei libri dello stato, 2: 367–8).

On the basis of my review of major Italian political treatises of the early eighteenth century, I have concluded that their approach is mostly comparative. None of these texts defined sovereignty or classified the forms of state and government without adopting or implying a position $vis-\dot{a}-vis$ Bodin's doctrine. Consequently, Roman history and questions of mixed government became the object of conflicting interpretations; the divergent views expressed by scholars lecturing at the Neapolitan Academy are a perfect example of these interpretative disputes.

In his *La vita civile* (1709), Paolo Maria Doria, a Neapolitan philosopher of Genoese noble origin, reflected on the causes that prompted civil societies to rise. Doria framed this issue in Hobbesian and Pufendorfian terms. Whilst conceding that passions determined human agency, he wished to prove that self-interest and virtue were reconcilable within a civil society ("vita civile"). He addressed these philosophical problems by analyzing actual historical cases, thus displaying a Machiavellian sense of realism. According to him, firm direction secured the body politic and its civil society.

While Doria seems to have neglected Bodin's idea of sovereignty, it would appear that he was familiar with the Angevin's classification of forms of state and government, for he refers to them incidentally in the third chapter of the first part of *La vita civile*. Further, although he never mentioned the *République*, his distinction between king, tyrant, and "lord of dominion" suggests, nonetheless, that he was familiar with Bodin's doctrine. Another indication that he had read the *République*, but maintained strong reservations about its doctrine, was his reference to the *lex digna vox* which validated his claim that a prince was *legibus alligatum* and thus compelled to act honestly, in accordance with God's decrees ("in quanto all'onesto e in quanto a Dio"). Doria's wording of this particular issue echoed Bodin's reference to divine and natural laws ("*leggi di Dio e della natura*"), just as the following passage of his recalled Bodin's interpretation of Roman history: "some [my italics] considered the Roman republic a democracy, for the people held all power and the senate all

⁶⁵ P. M. Doria, *La vita civile...con un trattato dell'educazione del principe* (Napoli: Vocola, 1729), 91: "Questo assoluto monarca, il qual'è assoluto in quanto a' sudditi, perché non hanno autorità di giudicarlo, né di punirlo, quando in tiranno si converte, viene malamente da alcuni col Signore di dominio tirannico confuso, *che altri chiaman dispotico...*". On Doria's political thought see *Paolo Mattia Doria fra rinnovamento e tradizione. Atti del convegno di studi. Lecce 4–6 novembre 1982* (Galatina: Congedo, 1985).

⁶⁶ Doria, La vita civile, 91-2.

authority, so that Livy noted: *Senatus censuit, populus iussit*".⁶⁷ However, his republican persuasion urged him to review mixed forms of government, as he was aware that men had conceived them in order to combine the strengths of the three virtuous political regimes. He viewed Sparta as the fundamental paradigm of mixed government, since its founder Lycurgus had conceived it as such, directly in the constitution. According to Doria, Rome endured because its form of government resembled that of Sparta, though its fundamental aim was not self-preservation, but rather conquest.⁶⁸ Authors such as Doria wrote as historians rather than lawyers. Surely they drew upon Bodin's *République*, but not necessarily as their primary source (Doria, for instance, was mostly influenced by Plato and Machiavelli's *Discorsi*). While they seem to have adopted some of its tenets, they rejected others and radically distanced themselves from Bodin's understanding of both mixed government and absolutism.

The jurist Gian Vincenzo Gravina read Bodin in a similar way. In his *Origines iuris civilis* (1708), he concurred with Bodin's review of sovereignty under the Roman republic, but dismissed his interpretation of the *lex regia*. Gravina, in fact, believed that the Senate had not lost its legislative authority even under the empire: "As in weightier affairs the Senate would have been able to settle nothing against the will of the People, and the force of decrees of the Senate would have been weakened by the tribunes' intervention and the matters would have been referred to the People, the ultimate decision in affairs may be understood to have remained firmly with the People... In public affairs, therefore, *authority* was the Senate's; yet *power* and *sovereignty* (*maiestas*) were in the People's possession".⁶⁹

Gravina adopted Bodin's political lexicon selectively. He concurred in using the term 'sovereignty' (or "maiestas" according to the Latin translation of the $R\acute{e}publique$) only as the nomen juris given to supreme power

⁶⁷ Doria, *La vita civile*, 93: "democrazia reputarono alcuni la repubblica romana; poiché la somma potestà era appresso tutto il popolo, quantunque l'autorità fusse nel Senato, onde così spesso leggiamo in Livio: Senatus censuit, populus iussit"; and see Bodin, *République*, I.viii (*I sei libri dello stato*, 1: 487).

⁶⁸ Doria, La vita civile, 96-7.

⁶⁹ "Cum Senatus aliena Populi voluntate nihil constituere de rebus gravioribus posset, & intercessione tribunitia Sen. Cons. vis infringeretur, ac res rejicerentur ad Populum: hinc licet intellìgere, summum rerum arbitrium in Populum constitisse . . . In publicis enim rebus *auctoritas* erat Senatus; *potestas* tamen, & *maiestas* erat penes Populum": G. V. Gravina, *Originum iuris civilis libri tres, et de Romano imperio liber singularis* (Venezia: Bortoli, 1752), 14.

⁷⁰ République, I.viii (*I sei libri dello stato*, 1: 345, editors' note 2, citing Bodin, *De republica libri sex* (1586): "Maiestas est summa in cives ac subditos legibusque soluta potestas").

(summum rerum arbitrium); but firmly rejected those absolutist readings of Ulpian's formula, according to which sovereign power had to be legibus solutus.⁷¹ In his *De imperio et iurisdictione* he notes: "how absurd and uncivil enough of Bodin to designate power in subjects and citizens as free from the laws".⁷² That sovereignty should comply with law and refrain from arbitrary amendments was not only convenient, but also necessary: since according to the republican paradigm, to which Gravina subscribed, law held primacy over political power. Consequently, Gravina read Roman history in the light of the original popular sovereignty.

Giambattista Vico read Bodin's treatises attentively, and refuted his doctrine, even though he also tacitly accepted some of its most fundamental principles. Vico first mentioned Bodin in the first edition of his *Scienza nuova* (1725). However, though he explicitly referred to "il Bodino", his use of the notion of sovereignty was rather peculiar. According to him, the origin of sovereignty ("dominio sovrano") could be traced back to the despotic dominion exercised by the *patres familias* over their households. In time, this kind of dominion had to yield to the power of civil institutions.

Over the endless course of history, Vico perceived different stages succeeding each other: the ages of gods were followed by those of heroes, and these in turn by those of men. Once the Tarquini had fallen, the Roman republic lived its age of heroes. Therefore, it adopted an aristocratic-republican form of government, which was then followed by a monarchical one. When the time came for the Roman Empire to fall, and for the monarchy to crumble, history completed its cycle by returning to its original barbaric stage. A new aristocratic era would then have sprung from the culmination of this former age. Thus, for Vico medieval feudalism was a return ("ricorso") to the age of heroes. Further, Bodin's intricate examination of feudal powers (*République I.ix*) allowed, according to him, one sovereign dominion to be subjected to another (i.e. the feudal system). Therefore, he interpreted this "expedient of the last barbarians (ritruovato degli ultimi barbari)" as a step in the development that led from the barbaric stage to the civil republics and monarchies.

^{71 &}quot;Quod principi placuit, legis habet vigorem" (Digest. 1, 4,1).

^{72 &}quot;quam absurde, ac satis inhumane Bodinus definit legibus solutam in subditos et cives potestatem": C. Ghisalberti, *Gian Vincenzo Gravina giurista e storico* (Milano: Giuffrè, 1962), 127. See also Gravina, *De romano imperio*, 355–6.

 $^{^{73}}$ A. Del Prete, "Vico et Bodin", in *Historia philosophica. An international journal*, 1 (2003): 43–53.

⁷⁴ G. B. Vico, *Principi di una scienza nuova d'intorno alla natura delle nazioni* (1725), in *Opere filosofiche*, ed. P. Cristofolini (Firenze: Sansoni, 1971), 305.

In the fifth book of the second edition of his *Scienza nuova* (1730), Vico reviewed both the ancient and the modern historical cycle. Since the latter was a return ("*ricorso*") of the former, its stages had to be mostly analogous to the previous ones. It is these paradigms, according to Vico, that clarified the historical succession of forms of state.

Once again, the interpretation of Roman history became controversial. Bodin's reading had to be refuted—like all other similar ones—for it misinterpreted the succession of political regimes that governed Rome. According to the French jurist, the original form of state adopted by the Romans had been a monarchy, based on the use of force. Its corruption led to a tyranny, which in turn gave rise to a democracy and, in the end, to an aristocracy. In Vico's opinion, instead, no state could have been ruled, at its origin, by a monarchy, since each founding father exercised a sovereign power limited to his own household. Hence, Rome was at first governed by an aristocracy, then by a popular republic, and in the end—at the culmination of its political development—by a monarchy.⁷⁵

Vico's historical perspective clashed with Bodin's review of regime transition. Bodin, in fact, did not believe that the historical succession of forms of state occurred through a necessary cycle of successive regimes. Rather, he viewed it—in the words of Antonella del Prete—as "une sorte de combinatoire générale". 76

Vico maintained that the original paradigm of state development was to be found in the history of Rome and not in the scattered *exempla* gathered by Bodin in the first three chapters of Book IV of his *République*. Therefore, in the second *Scienza nuova* (1744), he distanced himself from "il Bodino", who had misinterpreted Roman history, just like all other political writers. Nevertheless, Vico partially absolved Bodin for having recognized that the Roman republic—though popular—had been ruled by an aristocracy;⁷⁷ at the same time, he was also willing to admit that Rome had in fact experienced a phase of popular freedom (*"libertà popolare"*). Further, he agreed with Bodin on Sparta: both regarded it as an aristocratic republic.⁷⁸ As for

 $^{^{75}\,}$ G. B. Vico, Princ'
pj d'una scienza nuova d'intorno alla comune natura delle nazioni (1730, reprint Napoli: Liguori, 2002), lib. V
: 428–9.

⁷⁶ Del Prete, "Vico et Bodin", 44.

⁷⁷ G. B. Vico, Principi d'una scienza nuova d'intorno alla commune natura delle nazioni (1744), in Vico, Opere filosofiche: 580. On Vico's theory of the forms of government see N. Bobbio, "Vico e la teoria delle forme di governo", in Bollettino del Centro di studi vichiani, 8 (1978): 5–27; D. Marocco Stuardi, "La teoria delle forme di stato e di governo nella République di Jean Bodin", in Il Pensiero politico, 11 (1978): 321–44.

⁷⁸ As Bodin says: *République*, II.i (*I sei libri dello stato*, 1: 548).

medieval regimes, Bodin himself "admits the kingdom of France was not a government, but rather an aristocratic state ruled first by the Merovingian dynasty and then by the Carolingians". 79 While interpreting both stages of the ideal eternal cycle of history, the ancient and the modern, Vico turned to Bodin, seeking his authority on political affairs. He agreed with him in some connections, but challenged him on others. Vico actually accepted the conceptual framework laid out in the République. Not only did he adopt the notion of sovereignty, 80 thus rejecting that of mixed government, but he also availed himself of the distinction between forms of state and forms of government. He turned that distinction against the doctrine de iure publico advanced by most political writers, and used it to put forward his own reading of the natural development ("corso naturale") of states.81 In addition, he adopted and varied Bodin's notions on the relationship between climate, populations, and forms of government. All in all, Vico can be considered to be one of Bodin's closest readers⁸² and his inquiry into the doctrine of the French jurist reveals both why that doctrine appealed and why it was distrusted.

4. Different Echoes of Bodin in the Early Italian Enlightenment

During the first decades of the eighteenth century, there was a change in the intellectual and political context of Bodin's reception. In order to clarify this premise, we may usefully begin by considering the image of Bodin provided in Pierre Bayle's *Dictionnaire*.

⁷⁹ "giunge a dire del suo regno di Francia che, non già di governo (come diciam noi), ma di Stato aristocratico duranti le due linee merovinga e carlovinga": Vico, *Scienza nuova* (1744), 691.

⁸⁰ In *De uno* (chap. CLI, 2), quoting Tacitus rather than Bodin, Vico had already defined sovereignty (*summum imperium*) through the category of uniqueness, that is the same as indivisibility: G. B. Vico, *De uno universi iuris principio et fine uno*, in Vico, *Opere giuridiche*, ed. P. Cristofolini, 197 (Firenze: Sansoni, 1974).

⁸¹ Scienza nuova (1744), 691-2.

⁸² Del Prete, "Vico et Bodin", 49: "Il n'en reste pas moins que le début du cinquième livre de la *Scienza nuova* de 1730, qui déviendra la "sezione decimaterza" du quatrième livre dans la dernière rédaction, se développe comme un dialogue ininterrompu avec le juriste français". Vico does not refer to the *Methodus*, but many of Vico's commentators suggest that there is a large correspondence between the outlines of historical process conceived by Vico and those described in the *Methodus*. Both share some basic principles (functions of myth, origins of human society, philological proceeding, exclusion of a Golden Age), and show Ramus's influence. See G. Cotroneo, *A Renaissance Source of the Scienza Nuova: Jean Bodin's* Methodus, in G. Tagliacozzo-H. V. White, ed., *Giambattista Vico: an international symposium* (Baltimore: The Johns Hopkins Press, 1969), 51–9; C. Vasoli, "Bodin, Vico e la "topica", in *Bollettino del Centro di studi vichiani*, 9 (1979): 123–9.

Clearly, Bayle's intention was to review Bodin's profile as a whole. Not only did he choose to examine, among Bodin's various treatises, those particularly close to his own interests, but he also reported the opinions of all the major commentators on Bodin's other texts, including the most controversial ones. Bayle, for example, in reporting Naudé's opinion on the Démonomanie, mentioned both Naudé's commendations and his own reservations.⁸³ Bayle did not share the almost unconditional admiration expressed by the French libertine, but rather appreciated, in Bodin's doctrine, the indications of toleration and the opposition to civil wars. Therefore, in common with Jacques-Auguste de Thou, he highlighted Bodin's courageous behaviour during the Estates-General at Blois (1576), where the latter had firmly set himself against a new war with the Huguenots.⁸⁴ Bayle mentioned the *Colloquium Heptaplomeres* and those who—having read most of Bodin's *oeuvre*—had come to the conclusion that he had no religion, or that he was perhaps a follower of Judaism.⁸⁵ To Bayle, rather, Bodin was a Huguenot who had never denied his creed, and his late joining of the League (at the time when he was a magistrate in Laon) seemed therefore quite contradictory. In respect of the Methodus, Bayle quoted Joseph Scaliger's negative opinion and De Thou's positive comments.⁸⁶ In respect of the *République*, he expressed his personal opinion, representing this work from a political perspective as balanced between the demands of state stability and the limitation of monarchical power.87

In a note, Bayle showed himself to be persuaded by the letter addressed to Guy du Faur, which prefaced the third French edition of the *République* (1578). In this letter Bodin claimed to have subjected monarchical power to the laws both of God and of nature, whereas many jurists were inclined

⁸³ P. Bayle, *Dictionnaire historique et critique*, 5 vols. (Amsterdam: Compagnie des Libraires, 1734), 3: 39, note M: opera "majori collecta studio quam scripta judicio" (from Naudé, *Apologie pour tous les grands personnages faussement supçonnez de magie*).

⁸⁴ See J. Bodin, Recueil de tout ce qui s'est negotié en la compagnie du tiers Estat de France...(s.l., 1577).

⁸⁵ Bayle, Dictionnaire, 3: 38–39, note O.

⁸⁶ Bayle, *Dictionnaire*, 3: 38, note N.

⁸⁷ Bayle, *Dictionnaire*, 3: 39–41: "Notez qu'il se déclara assez librement contre ceux qui soutenoient que l'autorité des Monarques est illimitée; mais il ne laissa pas de déplaire aux esprits Républicains. Je crois que ce fut, entre autres raisons, parce qu'il soutint, d'un côté, qu'il y avoit dans l'Europe quelques Monarques absolus; et de l'autre, qu'il *n'appartient à pas un des sujets en particulier, ni à tous en général d'attenter à l'honneur ni à la vie* de tels Monarques.... Ce sentiment ne paroit pas bien lié avec le dogme qu'il avoit aussi soutenu, que la puissance de ces Monarques a des bornes, et qu'ils sont obligez de regner selon les Loix, mais, après tout, l'on peut connoître dans l'une et dans l'autre de ces doctrines, qu'il avoit à coeur le bien public, la paix et la tranquillité de l'Etat".

to extend monarchical prerogatives beyond limits; but, at the same time, he also claimed to have opposed any theory in support of a citizen's right to become a tyrant avenger, thus jeopardizing the state.⁸⁸

In spite of Bodin's controversial nature, his ambivalent religious creed and contradictory alignment with the League, what stood out—in Bayle's view—was, on the one hand, his behaviour during the Blois Estates-General (which understandably pleased the "esprits républicains", unlike the République itself) and, on the other, his major work which, without substantial comment, was now presented to eighteenth-century readers as one of the most important political texts of the late sixteenth century. Undoubtedly, Bayle's effort helped revive, in the most intellectually advanced readers, interest in Bodin's entire *oeuvre*, and not only in the *République*.

And yet, one may wonder, who in eighteenth-century Italy could still consider helpful such extensive advice?

In this respect, we should recall that in Italy, between the late seventeenth and the early eighteenth century, the issue of "philosophical freedom", raised by new doctrinal references ranging from Cartesianism to the ideas of John Locke and Isaac Newton, was very much debated. Yet scholars encountered difficulties in freely citing authors such as Thomas Hobbes, Baruch Spinoza, and Bayle also. Bodin could, as occasion served, be included amongst impartial juridical citations, or figure in the company of censurable authors.

For intellectuals who favoured free scientific and philosophical research—in contrast to ecclesiastical censorship and inquisition—the trial against the Neapolitan atheists (1688–1697) was an opportunity to resume philosophical and juridical debate about the relationship between reason and faith, Church and State, public trial and inquisitorial secret proceedings. Not surprisingly, Bodin is mentioned among the very bad authors of nefarious books, in a manuscript by the lawyer and leading Neapolitan intellectual Giuseppe Valletta. Yet later on, in his lectures at the Medinaceli academy, Valletta would still refer to Bodin as a historical-juridical source. The nefarious *Colloquium heptaplomeres* is cited under the title *De abditis rerum sublimium arcanis*, and Valletta, who could not have known the book, had clearly heard about it through Gabriel Naudé. The inclusion of the French scholar among condemned authors (such as Hobbes, Spinoza, Lord Herbert of Cherbury, Bonaventure de Periers,

⁸⁸ Bayle, Dictionnaire, 3: 40.

Denis Veiras) was justifiable in the circumstances, since the objective of the defence memorandum against the Holy Office, addressed to Pope Innocent XII,89 was to prove that the Neapolitan scholars accused of being atheists had in fact nothing to do with those well-known supporters of naturalism. One further reason to condemn Bodin could be found in Valletta's challenge to the Inquisition's proceedings, against the use of torture and in favour of religious toleration. 90 Clearly, in mentioning Vives and making indirect reference to Naudé's *Apologie*, the Neapolitan scholar could not draw inspiration from the *Démonomanie*, nor could he openly mention an author who had been condemned by the Holy Office for his defence of toleration in the République. And yet, Valletta has the République well in mind, and turns almost perforce to the "unmentionable" author, on the subject of the unavoidable relationship between laws, nature and peoples' character: "'And this being the most indispensable and biggest mystery of republics to be well governed', said the *French author* [my italics] in the excellent treatise of the republic. Among all mysteries of states there is none more greatly to be credited than to accommodate its laws to the form consistent with the various customs and natures of the citizens collectively".91

Elsewhere, in an essay on monetary policy, 92 the Neapolitan jurist could extensively cite *République* I.x and VI.iii, against alteration and devaluation of coinage—a further cause of concern to Valletta and the economists of the early eighteenth century. This is a case of selective or, more precisely, privileged reading of the *République*, in particular of one of its Latin editions.

In this context of caution and risk, caused by ecclesiastical censorship, another work inspired by controversy is the *Discussioni historiche filosofiche e teologiche* (1725)—by Costantino Grimaldi, a jurist and philosopher—which was eventually put on the Index and seized for destruction.⁹³ Grimaldi, who appears to have enjoyed complete freedom

⁸⁹ G. Valletta, "Al nostro SS.mo Padre Innocenzo duodecimo intorno al procedimento ordinario e canonico nelle cause che si trattano nel Tribunale del S. Ufficio nella città e nel Regno di Napoli", Bibl. Naz. of Naples, ms. XI.C.9, fo. 137vo.

⁹⁰ Valletta, "Al nostro SS.mo Padre", fos. 248–51.

⁹¹ "De omnibus rerumpublicarum Arcanis nullum majus creditur quam ad varios mores, et Naturas Civitatis, cuiusque leges, ac formam congruentem accomodare": Valletta, "Al nostro SS. Padre", fos. 266vo–267.

 $^{^{92}\,}$ "Risposta ad amico sopra le ragioni della città di Napoli per l'assistenze domandate alla fabrica della nuova moneta", in Comparato, $Giuseppe\ Valletta,\ 287-337.$

⁹³ Discussioni istoriche, teologiche, e filosofiche di Constantino Grimaldi, fatte per occasione della risposta alle lettere apologetiche di Benedetto Aletino. Parte prima [-terza],

in his choice of sources, and mentioned Naudé's Apologie as well as several articles from Pierre Bayle's Dictionnaire, was a follower of antischolasticism and a representative of a current of philosophical controversialism which did not encompass a requirement to consult the French author. Besides, the *Theatrum* does not seem to have had a sensible circulation in Italy in the eighteenth century, and consulting the Colloquium, in so far as it was available in the restricted circuit of unmentionable manuscripts,94 would have been of no use, and rather unsafe. With Grimaldi, however, the *Démonomanie* reappeared, since this author, in common with Girolamo Tartarotti, took an interest in sorcery in his later years. 95 Both in the Congresso notturno della lammie (1749), by Tartarotti, and in Arte magica dileguata, by Scipione Maffei (1749), Bodin was mentioned as a source on the history of sorcery, together with Nicolas Remi, Francisco Peña, Martin Delrio and similar authors who had contributed to the "horrible slaughter" of the trials against witches. 96 Tartarotti was always very accurate in mentioning his sources on the various beliefs that followed one another in time; Bodin was therefore mentioned repeatedly in his pages, often with witticism, in a typical Muratori style, whenever common sense prevailed over speculation. While for the historian and leading intellectual Ludovico Antonio Muratori the devil had nothing to do "with magnet and electricity",97 similarly for Tartarotti Bodin's complicated cosmic calculation on how fast witches move to the sabbath did not allow for the fact that "skies and stars have no lungs". Jean Bodin, "one of our renowned opponents", had written that one witch had confessed that "witches can only eject no more than three tears from the right eye, which seems noteworthy to that mysterious writer: while others think it is laughable".98 Trial procedure was criticized even more harshly (lawfulness of perjury, punishment of accomplices through the mere accusation of a

³ vols. (Lucca, 1725). On the vicissitudes of this condemnation see C. Grimaldi, *Memorie di* un anticurialista del Settecento, ed. V. I. Comparato (Firenze: Olschki, 1964).

⁹⁴ The manuscript could be available for an Italian having access in Vienna to the library of Baron von Hohendorf, purchased in 1720 by the Palatine Library: G. Ricuperati, *L'esperienza civile e religiosa di Pietro Giannone* (Milano-Napoli: Ricciardi, 1970), 406.

⁹⁵ C. Grimaldi, Dissertazione in cui si investiga quali sieno le operazioni che dependono dalla magia diabolica e quali quelle che derivano dalle magie artificiale e naturale (Roma: Pagliarini, 1751), 126–7.

⁹⁶ G. Tartarotti, *Del congresso notturno delle lammie libri tre* (Rovereto: Pasquali, 1749): Introduction, XXX; see also S. Maffei, *Arte magica dileguata* (Verona: Andreoni, 1754).

⁹⁷ L. A. Muratori, *Della pubblica felicità oggetto de' buoni príncipi* (1749: Napoli: Migliaccio, 1791), 72.

⁹⁸ Tartarotti, Del congresso notturno, 77, 173, 115.

defendant). Tartarotti read the *Démonomanie* in its last, twice expurgated, Italian edition and wondered whether the original version had even worse contents.⁹⁹

Grimaldi, whose opinion on satanic sorcery in his *Dissertazione* is rather ambiguous, mentioned Bodin only once in relation to the story of a doctor from Toulouse who claimed that his practices were unsuccessful owing to poor confidence on the part of the onlookers.¹⁰⁰ It is easy to understand the reticence of an author who had not completely accepted Gianrinaldo Carli's outspoken opinion that satanic sorcery was nothing but a fraud.¹⁰¹

While the *République* proved to have an enduring topicality, being also mentioned by, for example, the religious controversialist Alberto Radicati di Passerano in his *Manifesto* (1726) and in his London *Discourses concerning Religion and Government* (1734),¹⁰² Bodin's other works appeared to belong to an historically remote contextual past. Grimaldi, for example, defends Ramus against a charge of heresy brought by his Jesuit opponent Giovan Battista De Benedictis (against whose *Lettere apologetiche* his *Discussioni historiche* were directed), though it was not Ramus who inspired him in his anti-scholastic dispute, but, rather, Descartes' *Discours*.

The philosophical turning point caused by Cartesianism, Spinozism, Lockism and Newtonianism made such philosophical ideas as those which Bodin had taken from Neoplatonism and Ramism obsolete. Tartarotti's incidental description, "that mysterious writer", captures very well the disconcertment that a follower of Enlightenment was feeling for Bodin, as a sustainer of demonology. In contrast, in the political context there was still an opportunity to use the juridical-political classifications of the *République*, especially for those authors, such as Pietro Giannone, who needed a sound model of civil authority for their struggle against ecclesiastical jurisdiction. Giannone's *Istoria civile del regno di Napoli* (1723) begins with two quotations from Bodin on Roman history (I.ii; II.ii): one on ancient Rome supremacy in the "wisdom of its government and justice of its laws", the other on how the Romans, unlike the barbarians, never exercised a "public domination" over individuals who, with their property,

⁹⁹ Tartarotti, Del congresso notturno, 223-4.

¹⁰⁰ C. Grimaldi, Dissertazione, 126-7.

¹⁰¹ G. R. Carli, "Lettera...al signor Girolamo Tartarotti", in G. Tartarotti, *Del congresso notturno*, 366.

¹⁰² Dal Muratori al Cesarotti, t. V, Politici ed economisti del primo Settecento, ed. Raffaele Ajello et al. (Milano-Napoli: Ricciardi, 1978), 46, 161.

¹⁰³ On Bodin's philosophical background see C. Vasoli, *Armonia e giustizia. Studi sulle idee filosofiche di Jean Bodin*, ed. A. E. Baldini (Firenze: Olschki, 2008).

enjoyed a "perfect and entire freedom".¹⁰⁴ Clearly, Giannone was much closer than Gravina to Bodin's view on the transfer of power to emperors: "all the power of enacting laws held by the people was transferred to the prince, with no power left in the people". In Giannone's opinion, those who wrongly think that the transfer of power had been only "entrusted" to the prince mistook the truth for the emperors' artifice of refusing to be qualified as kings or princes, whereas in reality they exercised "an absolute power".¹⁰⁵ On the question of the relation between laws and the exercise of sovereignty, Giannone's position was quite clear-cut. In his *Triregno* he wrote that nature could be debated "but not civil rules, since in those states and republics where princes have received sovereignty, or else have transferred it to others, the subjects must obey the prince's law and settle contracts and judgements according to it, and must not take advantage over the law, or there would otherwise be confusion and annoyance among the subjects".¹⁰⁶

5. After Montesquieu

In Italy the reception of *L'Esprit des lois* interfered with the main "current" of Bodin's Italian followers, to the point of becoming an alternative—indeed, the conventional—source of reference for those readers more interested in topics such as climatic relativism, the characters of peoples, forms of government and separation of powers, than in the theory of sovereignty. *L'Esprit* would thus replace the *Methodus*, and to a lesser extent the *République*. The Baron de La Brède et de Montesquieu never mentioned the *Methodus*, as he preferred to form his opinions in accordance with the most recent reports and reviews. He clearly knew of the *République*, but it is quite understandable why he saw no reason to use it: his views on sovereignty and on laws were totally contrary to Bodin's position. As Catherine Larrere has written, Montesquieu "does not in any way compound with the idea of sovereignty. His concept of plurality of powers excludes it and places limitation at the heart of his constitutional schema". 107

¹⁰⁴ P. Giannone, Istoria civile del Regno di Napoli, 6 vols. (Napoli: Lombardi, 1865), 1: 214, 217–18.

¹⁰⁵ P. Giannone, *Istoria civile*. 1: 263.

 $^{^{106}\,}$ P. Giannone. Il triregno, III, Il regno celeste (Bari: Laterza, 1940), 279–80. Cf Bodin, République, I.viii.

¹⁰⁷ "ne compose en aucune façon avec l'idée de la souveraineté. Sa conception de la pluralité des pouvoirs en est exclusive, et met la limitation au coeur de son dispositif

The idea of an exclusive lawmaker, as well as an abstract classification of forms of state, conflicted with Montesquieu's fundamental opinion that the republic *per se* does not exist, while individual republics do, and that, by the same reasoning, monarchy does not exist *per se*, but rather in the various forms of individually led governments.¹⁰⁸

L' Esprit des lois had an early and widespread impact upon Italy. ¹⁰⁹ In fact, during the last draft of the work, Octavien abbot of Guasco was in La Brède and wrote the Italian translation. Montesquieu had several Italian correspondents, such as the abbot Antonio Niccolini, Gaspare Cerati, and the abbot Filippo Venuti: that is, the Florentine-Pisan context, close to France, with Jansenist, and, for Niccolini, even republican inclinations. Montesquieu was received in Italy as a theorist of anti-despotism and "virtue". Others among his readers and followers, such as Giuseppe Maria Buondelmonti, Antonio Cocchi, and Giovanni Gualberto De Soria, belonged to the same current of Tuscan intellectual reformism, but in 1749 the book became available in Naples to Antonio Genovesi, who read and commented on it. ¹¹⁰ In that same year the book was translated in Naples and then published in 1751.

This brief mention of an author from a period beyond our area of research may serve to illustrate the important role played by readers (and their inclinations) in promoting the reception of a specific text. It may also suggest how reading Montesquieu, and later on Rousseau, could lead to a revival of interest in studying and interpreting the *République*, albeit with its standing remarkably diminished by the appearance of such leading political works as these.

For example, Bodin is mentioned in *La scienza della legislazione* (1780–85) by Gaetano Filangieri, discussing Montesquieu. According to Filangieri, not only was Bodin neglected by the Baron de La Brède, but he was also an alternative source from which the Italian scholar derived the proposition that a mild climate generally provides the best conditions

constitutionnel": C. Larrère, Actualité de Montesquieu (Paris: Presses de Sciences Po, 1999), 80.

¹⁰⁸ Montesquieu, *Cahiers. 1716–1755*, ed. André Masson (Paris: Grasset, 1941), 111: "Plusieurs gens ont examiné qui vaut mieux de la monarchie, de l'aristocratie ou de l'état populaire. Mais, comme il y a une infinité de sortes de monarchies, d'aristocraties, d'états populaires, la question ainsi exposée est si vague qu'il faut avoir bien peu de logique pour la traiter".

¹⁰⁹ S. Rotta, Montesquieu nel Settecento italiano: note e ricerche, in Materiali per una storia della cultura giuridica, raccolti da G. Tarello (Bologna: Il Mulino, 1971), 1: 105–130.

¹¹⁰ A Bodinian echo about the definition of forms of government has been singled out in Genovesi by E. Pii, *Antonio Genovesi dalla politica economica alla "politica civile"* (Firenze: Olschki, 1984), 251, but as a formula "divenuta ormai patrimonio comune".

for lawmaking. In contrast, both Bodin's and Montesquieu's opinions that climates had specific "national attributes" were dismissed, as relativism made it impossible to create a universal lawmaking "science". It may also be worth suggesting that, as one who had substantially defined sovereignty as perpetual, inalienable and indivisible, Bodin remained chronologically the first author whose arguments proved useful to supporters of popular sovereignty. It as Vincenzo Ferrone has observed, the principle "rex facit legem, contended by theorists of absolutism, had influenced all the new supporters of popular sovereignty. The republican Rousseau and Filangieri had learnt a lot from Bodin and Hobbes". It as a consequence, the reception of Bodin's doctrine would not end during the revolutionary years. However, this hypothesis requires further investigation as it has been, until now, only partly researched.

¹¹¹ G. Filangieri, *La scienza della legislazione*, ed. V. Frosini, 2 vols. (Roma: Istituto Poligrafico e Zecca dello Stato, 1984), 1: 106–7.

¹¹² Dérathé, however, sees rather a greater influence by Hobbes, Locke and Jean Barbeyrac: R. Derathé, *Jean-Jacques Rousseau et la science politique de son temps* (Paris: Vrin, 1979), 100.

¹¹³ V. Ferrone, La società giusta ed equa. Repubblicanesimo e diritti dell'uomo in Gaetano Filangieri (Roma-Bari: Laterza, 2003), 227.

CHAPTER FIFTEEN

THE ITALIAN "READERS" OF BODIN, 17TH–18TH CENTURIES: THE ITALIAN "READERS" OUT OF ITALY—ALBERICO GENTILI (1552–1608)

Diego Quaglioni

That the reception of Bodin was essentially made by his readers is to some extent a truism. There were, of course, many kinds of "readers". Bodin was not a professor: he was a lawyer and a magistrate, and his works were the typical products of the doctrinal *milieu* of the French sixteenth century's lawyers and magistrates. Yet the reception of Bodin was not a scholastic reception in a traditional sense. His works were read in the European universities and often they were at the centre of doctrinal controversies, even before Bodin's Latin translation of the *Six Livres de la république*, in 1586.¹ If we may believe him, that translation was made by the author in response to the initial debates and interpretations, instances of which Bodin himself could have witnessed during his journey to England in 1581. So it would appear from his letter, printed as a foreword to the 1586 edition, to Jacques Duval who had encouraged him to produce a Latin version of his text:²

¹ A catalogue of sixteenth and seventeenth century editions of Bodin's masterpiece is available in R. Crahay, M.-Th. Isaac, M.-Th. Lenger, eds., *Bibliographie critique des éditions anciennes de Jean Bodin*, with a preface by V. I. Comparato (Bruxelles, Académie Royale de Belgique, 1992), 91–141. On the Latin translation of *Les Six livres de la république*, as *De republica libri sex* (Lugduni, apud Jacobum de Puys, 1586) D. Quaglioni, "Una fonte del Bodin: André Tiraqueau (1488–1558), giureconsulto. Appunti su 'De Republica', III, 8", in *Il Pensiero politico*, 14 (1981) [= *La "République" di Jean Bodin* (Firenze, L. S. Olschki, 1981)]: 113–127. For further indications see M.-D. Couzinet, *Jean Bodin* (*Bibliographie des Écrivains français*, 23: Paris-Roma, Memini, 2001), and D. Quaglioni, "Bodin, Jean", in *Dictionnaire historique des juristes français, XII°–XX° siècle*, ed. P. Arabeyre, J.-L. Halpérin and J. Krynen, 92–4 (Paris: Presses Universitaires de France, 2007).

² "Sed non prius tibi acquieveram, quam legatio in Angliam suscepta, inde traiectio in Belgiam una cum Francisco Andium ac Belgarum Duce, qui me ad consilium accersierat, propositum meum retardarunt: tametsi nova occasione ad id maxime impulsus essem, cum Londini Olybium Gallum hominem, in privatis illustrium virorum aedibus, alium item apud Cantabriges in ipsa Academia difficili ac molesta ratione Anglis Rempublicam nostram interpretari comperissem": Bodin, *De republica* (1586), sig.a2vo. I quote from the

But not before I had assented to you, my plan was delayed as soon as the embassy to England was undertaken and from there the passage into Belgium in company with François Duke of Anjou and of the Belgians who had invited me on to his council; even though I should have been especially incited to it by a fresh motive when I had gathered from Olybius, a Frenchman, how in the private residences of noblemen in London and likewise from another in Cambridge how in that University our *République* could be understood by the English only with difficulty and in troublesome fashion.

Sometimes, too, and not only in the protestant countries despite the condemnation of his books by Roman Catholics, Bodin's work was taken as a new model of scholarly teaching of public law. The Catholic jurist Pierre Grégoire,³ the Calvinist jurist and theologian Johannes Althusius,⁴ and the Lutheran theologian Johann Angelius Werdenhagen⁵ made of the *République* the main subject of their own reflections and discussions. There were "readers" who were professors and students, but there were also "readers" who were translators, printers, booksellers, non-university critics and polemicists, and, of course, censors. Sometimes they were translators and censors at the same time, as in the case of Fabio Albergati whose *Discorsi politici* against Bodin, in 1602, were a sort of new Italian translation of the Latin text of the *République*, after the first translation of the French text by Lorenzo Conti (1588).⁶

last Latin edition: Joan. Bodini Andegavensis Galli, *De Republica libri sex ab Auctore redditi, multo quam antea locupletiores*, *cum Indice Locupletissimo. Editio Septima prioribus multo emendatior* (Francofurti: Sumptibus Jonae Rosae viduae, Typis Antonii Hummii, 1641): "Praefatio", sig.* 4.

³ See Ch. Zendri, Pierre *Grégoire tra* leges *e* mores. *Ricerche sulla pubblicistica francese del tardo Cinquecento* (Bologna: Monduzzi, 2007) ("Archivio per la storia del diritto medioevale e moderno", 11), with an updated bibliography; cf. D. Quaglioni, "Grégoire, Pierre", in *Dictionnaire historique des juristes français*, 384–5.

⁴ See the essays collected in *Politisch-rechtliches Lexikon der* Politica *des Johannes Althusius. Die Kunst der heilig-unverbrüchlichen, gerechten, angemessenen und glücklichen symbiotischen Gemeinschaft*, ed. C. Malandrino and D. Wyduckel (Berlin: Duncker & Humblot, 2010); cf. D. Quaglioni, "Quale modernità per la 'Politica' di Althusius?", in *Quaderni fiorentini per la storia del pensiero giuridico moderno*, 39 (2010): 631–47.

⁵ See R. Crahay, "Dalla *République* di Jean Bodin alla *Synopsis* di Johann Angelius Werdenhagen (1635). Un rinnovamento dei concetti religiosi e politici", in *Rivista storica italiana*, 104 (1992): 629–77; V. Conti, "La città anseatica di J. A. Werdenhagen", in *Le ideologie della città europea dall'Umanesimo al Romanticismo*, ed. V. Conti, 265–78 (Firenze, Olschki, 1993); D. Quaglioni, "Il « Breviario politico » di J. A. Werdenhagen (1635–1645)", in *Il potere come problema nella letteratura politica della prima età moderna*, ed. S. Testoni Binetti, 135–66 (Firenze, CET, 2005); L. Bianchin, *Dove non arriva la legge. Dottrine della censura nella prima età moderna* (Bologna: Il Mulino, 2005), 293–328.

⁶ On the first Italian translation of Bodin's *République* see R. Savelli, "Conti, Lorenzo", in *Dizionario biografico degli Italiani*, 28 (Roma, Istituto della Enciclopedia Italiana, 1983), 444–6. On Fabio Albergati's polemical work see D. Quaglioni, *I limiti della sovranità*. *Il*

All this was not simply a matter of "influence" or "fortune". It was a reception, the ways of which are to be separately examined if we wish to avoid simplistic attitudes in our judgements. On the one hand we are told that "Jean Bodin's treatise expounding the doctrine of absolute monarchy became widely accepted as authoritative among the ruling circles of most countries of Europe". Certainly Bodin's ideas were present in the thought of King James I of England, himself the author of a defence of 'divine right' monarchy in *The Trew Law of Free Monarchies* (1598).8 Again, as Julian Franklin has put it:9

In the constitutional conflicts of the seventeenth century, Bodin was to provide the English royalists with a ready-made arsenal of arguments, or, more precisely, with a model for developing their arguments. [Bodin's] *République* would help to show how all the medieval checks on royal power could be deprived of binding force—how review by the courts [of the legality of royal statutes and proclamations] could be reinterpreted as a mere administrative function, how the work of Parliament could be understood as merely advisory or, at the most, corroborative, and how all charters and engagements by the king could be construed as conditional and temporary. *Mutatis mutandis*, Bodin's recipe, devised primarily for France, could be applied to England also.

It would seem, then, that Bodin's "fortune" has to be considered as a part of a distinct strand of the European legal and political thought tradition. And yet, as J. P. Mayer put it, quoting Kenneth D. McRae's introduction to the 1962 edition of Richard Knolles' English translation of the *République* (1606):¹⁰

pensiero di Jean Bodin nella cultura politica e giuridica dell'età moderna (Padova: Cedam, 1992), 169–97. Albergati's Discorsi politici against Bodin was at the basis of the modern Italian translation of Bodin's masterpiece (I sei libri dello Stato di Jean Bodin), vol. 1, ed. M. Isnardi Parente (Torino, Utet, 1964, 1988²); vols. 2–3, ed. M. Isnardi Parente and D. Quaglioni (Torino, UTET, 1988–1997). Cf. M. Isnardi Parente, "Per la storia della traduzione italiana di J. Bodin, «Les six livres de la République»", in Jean Bodin a 400 anni dalla morte. Bilancio storiografico e prospettive di ricerca, ed. A. E. Baldini, in Il Pensiero politico, 30 (1997): 159–168; now reprinted in M. Isnardi Parente, Rinascimento politico in Europa. Studi raccolti da D. Quaglioni e P. Carta (Padova: Cedam, 2008), 187–197.

⁷ Cf above, pp. 22–3.

⁸ H. J. Berman, *Law and Revolution*, 2: *The Impact of Protestant Reformations on the Western Legal Tradition* (Cambridge MA and London: The Belknap Press of Harvard University Press, 2003), 9, 235. Cf Glenn Burgess, *British Political Thought*, 1500–1660 (London: Palgrave Macmillan 2009), 142–52.

⁹ J. Franklin, Jean Bodin and the Rise of Absolutist Theory (Cambridge: Cambridge University Press, 1973), p. 106; see also Berman, Law and Revolution, 2: 273 and 463 note 23.

¹⁰ J. P. Mayer, "Jefferson as Reader of Bodin: Suggestions for further Studies", in Fundamental Studies on Jean Bodin, ed. J. P. Mayer, 1–32 (New York: Arno Press, 1979), especially 8–9. Cf. K. D. McRae, "Introduction", in Jean Bodin, *The Six Bookes of a Commonweale*

The connection between Bodin, Knolles, and [Sir Robert] Filmer assumes more than just a passing interest when we remember that the *Patriarcha* became, a full generation after its author's death, the main bastion of Restoration Toryism and the chief target of [Algernon] Sydney and [John] Locke.... The *Six Bookes*... provided raw materials for Filmer to build with, and his work in turn forced the Whig opposition to rethink its premises and organize a counter-attack. Thus the Knolles translation of the *Republique* contributed, indirectly but nevertheless substantially and unmistakably, to the production of the most influential of all English works on political philosophy, John Locke's *Two Treatises of Government* (yet it would be wrong to suppose that Locke's opposition to Filmerism implied a corresponding antipathy towards Bodin's ideas, for we find that in 166os Locke was recommending the *Methodus* to his pupils at Christ Church).

No doctrinal model spreads by itself. Among the "readers" of Bodin we also find the great Italian jurist and religious reformer Alberico Gentili, the author of the *De iure belli libri tres* (1598). Escaped from Italy because hostile to religious orthodoxy and a refugee in Germany and England, Gentili became in 1587 Regius Professor of Civil Law at Oxford, where he taught until his death, in 1608. He also wrote in defence of the prerogatives of King James I. 22

⁽London, 1606), trans. Richard Knolles, ed. K. D. McRae, A64–5 (Cambridge MA: Harvard University Press, 1962).

¹¹ For a recent bibliography on Gentili's works and thought see D. Quaglioni, "Introduzione", in Alberico Gentili, *Il diritto di guerra (De iure belli, 1598)*, trans. P. Nencini, ed. G. Marchetto and C. Zendri, IX–XXXIII (Milano: Giuffrè, 2008); Alberico Gentili, *The Wars of Romans: a Critical Edition and Translation of De Armis Romanis (1599)* ed. B. Kingsbury, B. Straumann, and D. Lupher (Oxford: Oxford University Press, 2010); *The Roman Foundations of the Law of Nations: Alberico Gentili and the Justice of Empire*, ed. B. Kingsbury and B. Straumann (Oxford: Oxford University Press, 2010); D. Quaglioni, *Machiavelli e la lingua della giurisprudenza: una letteratura della crisi* (Bologna: Il Mulino, 2011), 199–210; G. Minnucci, *Alberico Gentili iuris interpres della prima età moderna* (Bologna: Monduzzi (« Archivio per la storia del diritto medioevale e moderno », 16), 2011); and finally the essays collected in the Proceedings of the International Conference held in Padua (20–22 November 2008): *Silete theologi in munere alieno. Alberico Gentili e la seconda scolastica*, ed. M. Ferronato and L. Bianchin (Padova: Cedam, 2011).

¹² For Gentili's biography see A. De Benedictis, "Gentili, Alberico", in *Dizionario biografico degli Italiani*, 53 (Roma, Istituto della Enciclopedia Italiana, 1999), 245–51. For Gentili's defence of absolutist principles see A. Wijffels, "Assolutismo politico e diritto di resistenza: la disputatio gentiliana« De vi civium in Regem semper iniusta »", in *Alberico Gentili: L'uso della forza nel diritto internazionale. Atti del Convegno, Undicesima Giornata Gentiliana, San Ginesio, 17–18 Settembre 2004* (Centro Internazionale di Studi Gentiliani) (Milano: Giuffrè, 2006), 433–57; and Wijffels, "Le disputazioni di Alberico Gentili sul Diritto Pubblico", in *Alberico Gentili: La salvaguardia dei beni culturali nel diritto internazionale. Atti del Convegno, Dodicesima Giornata Gentiliana, San Ginesio, 22–23 Settembre 2006* (Centro Internazionale di Studi Gentiliani) (Milano: Giuffrè, 2008), 247–61.

Both as a lawyer and as a political thinker, Alberico Gentili was representative of an era of transition and of the broader changes which took place in his lifetime.¹³ His "private notes and his books", as Alain Wijffels has recently written,

show that he combined both traditional late-medieval legal scholarship and legal-humanistic methods.... The traditional, i.e. late-medieval or predominantly 'Italian' authorities, remained therefore a substantial feature of Gentili's system of references until the latest period of his life and scholarly production. His reading notes from his days in exile show that at an advanced stage of his career, he was not only reading a wide range of ancient, post-classical and humanist non-legal literature, but also, and sometimes systematically, late-medieval Italian legal scholars, including their practice-orientated work (such as, in particular, legal consultations).¹⁴

Gentili's defence of late-medieval scholarship in his *Dialogi de iuris inter- pretibus* (1582) shows that on matters of public law he did not consider
the learning of his legal education to be incompatible with his positions
on the powers of the ruler in the England of his day. "Since, particularly
in his *Regales Disputationes* published in 1605, he defended the 'absolute
power' of the King, this would ultimately imply that, in Gentili's view,
the public law doctrines developed by the Italian jurists of the last centuries of the Middle Ages would have fitted in an early-modern legal theory
of absolutism". Hence, in the *Regales disputationes*, his reliance upon
Bodin's authority for a definition of "full power (*plena potestas*)", with a
direct reference to the famous passage where Bodin describes 'sovereignty'
as "the absolute and perpetual power of a state" (*République*, I.viii). 16

In Wijffel's view, "Gentili was combining both traditional and modern authorities".¹⁷ Thanks to his legal education, the margins of his masterpiece are filled with hundreds of references, and above all else to the *libri*

¹³ Cf. D. Quaglioni, "Pour une histoire du droit de guerre au début de l'âge moderne: Bodin, Gentili, Grotius", in *Justice et armes au XVIe siècle*: sous la direction de D. Quaglioni et J.-C. Zancarini, in *Laboratoire italien*, 10 (2010): 9–20.

¹⁴ A. Wijffels, "From Perugia to Oxford: Past and Present of Political Paradigms", in *Alberico Gentili, la tradizione giuridica perugina e la fondazione del diritto internazionale. Atti dell'Incontro di studio (Perugia, 10 ottobre 2008)*, ed. F. Treggiari, 59–78 (Perugia: Università degli Studi di Perugia, 2010), 60.

¹⁵ Wijffels, "From Perugia to Oxford", 63, quoting D. Panizza, "Il pensiero politico di Alberico Gentili: religione, virtù e ragion di stato", in *Alberico Gentili: politica e religione. Atti del Convegno, Seconda Giornata Gentiliana (San Ginesio, 17 maggio 1987)* (Milano: Giuffrè, 2002), 57–215.

¹⁶ Wijffels, "From Perugia to Oxford", 66.

¹⁷ Wijffels, "From Perugia to Oxford", 68.

legales of civil law tradition: Justinian's Institutes, Code, Digest and Novellae, the Lombarda and the Libri Feudorum, the laws of the emperor Henry VII and the *Liber de Pace Constantiae*—in other words, the entire *Corpus Juris Civilis* according to medieval legal scholarship. Yet canon law, too, features in Gentili's system of references: not only Gratian's Decretum, the very basis of the *ius commune*'s doctrine of just war, ¹⁸ but also the *Liber Extra*, the Sextus and the Clementinae which are quoted at several junctures. 19 At the same time, together with many references to the glosses and commentaries of both civil and canon law, modern authorities are cited everywhere in Gentili's De iure belli. One finds ample references to Andrea Alciato's Consilia, Parerga, Emblemata, Paradoxa, De verborum significatione and De singulari certamine, and also to the writings of Alessandro d'Alessandro, Guillaume Budé, Pierre du Faur, François Connan, Hugues Doneau, François Douaren, Guillaume Fournier, François Hotman, Barthélémy Chasseneuz, André Tiraqueau, François Baudouin, Jacques Cujas, Michel de l'Hospital, Barnabé Brisson, Eguinard Baron, Charles Du Moulin, Ulrich Zasius, Diego Covarruvias—and, last but far from least, Jean Bodin and his République, the main source and the most important doctrinal example in the development of Gentili's theory of the laws of war.

The references to the *République* form the framework of Gentili's *De iure belli*, from the first to the last page of the long treatise. Gentili draws on Bodin's masterpiece not only for his absolutistic scheme of supreme power, but also for many arguments and formulae already proposed by the French jurist.²⁰ Witness, for instance, what Gentili says at the beginning of *De iure belli* about interpreters of Justinian's laws, recalling a famous critical judgement of Bodin's, and at the same time stressing the lack of a true comprehension of the laws of war and of the "law of the nations" among the modern interpreters, including Bodin.²¹

¹⁸ See F. H. Russell, *The Just War in the Middle Ages* (Cambridge, Cambridge University Press, 1975), and my review in *La Cultura*, 16 (1978): 497–500.

¹⁹ For canon law in Gentili's system of references and for his *Disputatio De libris iuris canonici*, written in 1605, see G. Minnucci, "Alberico Gentili: un protestante alle prese con il Corpus Iuris Canonici", in *Alberico Gentili. La salvaguardia dei beni culturali nel diritto internazionale*, 185–211; also in *Ius Ecclesiae*, 19/2 (2007): 347–368.

 $^{^{20}\,}$ Cf. D. Quaglioni, "Introduzione", in Alberico Gentili, Il diritto di guerra (De iure belli, 1598): XII.

^{21'} "Iustinianus quoque noster, qui leges tulit suis, pari ratione egressus non est rempublicam, quam legibus illis voluit adornare. Et quamquam de naturae, ac Gentium iure disseruit, ut Philosophi quoque fecerunt, et de causis bellorum, et de captivis, ac servis, aliisque nonnullis belli rebus: huc tamen ad rempublicam suam retulit omnia, et in eius usum explicavit: ut qui esset captivi status apud cives, quae rerum eius conditio, et id

Also our Justinian who made laws for his people, in the same way did not go beyond the respublica which he wished to embellish with those laws. And although he discussed the law of nature and of nations, as the Philosophers also did, and the causes of wars, prisoners, slaves, and several other subjects relating to war, he none the less related all these to his own respublica and explained them according to its practice; such as the status of a prisoner visà-vis the citizens, the terms of his property, and other matters of the kind. But now, what shall I say about these interpreters of Justinian's laws whom Jean Bodin rightly calls utterly ignorant of the laws of war? Certainly I have read nothing except some remarks in Lignano's treatise and a few others scattered here and there: and all these I have read not without disdain... I do not find fault with those very learned men on that account. But I say this again: that scarcely any knowledge of military law can be gained from Justinian's law alone. For the greatest Justinianists, highly expert in all of Justinian's law, were ignorant thereof. Not do I tolerate more recent interpreters who would denounce their predecessors whilst presenting themselves as masters to whom we should listen. I mean the aforesaid Bodin and Petrus Fabrus, France's most distinguished jurisconsults. For of course, if the older interpreters went astray when they introduced into this subject a bare and often irrelevant discussion of civil law, these more recent ones likewise have offended when they bring in a bald account of histories: for owing to the variety and inconsistency of such examples and the weakness of arguments which rely upon their plurality, no law can easily be therefrom derived and certainly not one to be judged natural and certain.

"Nuda historiarum recitatio": a merely historical and comparative exposition, incapable of perceiving the natural—that is, rational and universal—dimension of legal problems. A strange accusation, if we pay attention to

genus alia. Nam quid dicam de his interpretibus iuris Iustinianici: quos huius iuris bellici imperitissimos ait merito Ioannes Bodinus? Equidem praeter Lignani paucula huius tractatus, et aliorum nonnulla alia sparsim, legi nihil: et ea non absque fastidio legi omnia [...]. Neque illos propterea accuso viros doctissimos. at hoc magis dico, ullam vix a solo iure Iustinianeo esse cognitionem posse istius iuris militaris; quod maximi Iustinianistae, peritissimi omnis Iustinianici iuris penitus ignorarunt. Recentiores non fero interpretes, qui hic veteres condemnarunt, se autem magistros obtulerunt, quos audiamus. Dico eundem Bodinum, et Petrum Fabrum, clarissimos Iurisconsultos terrae Galliae. Sane enim, si peccarunt antiquiores interpretes, quod solam, saepe alienam, civilis iuris disceptationem huc induxerunt: peccarunt et isti recentiores, qui nudam historiarum recitationem attulere: de quibus propter varietatem, et contrarietatem exemplorum, item et propter infirmitatem eius argumenti, quae plurimum ab exemplo esse videtur, non ius aliud facile, non constitues ullo modo istud, quod naturale, ac certum censetur": Alberici Gentilis I. C. Professoris Regii, De iure belli, libri III. Nunc primum in lucem editi. Ad illustrissimum Comitem Essexiae (Hanoviae, Excudebat Guilielmus Antonius, 1598), I. 1, 3-4. See further Gentili, Il diritto di guerra (De iure belli, 1598), I.i, 4 and note 6; I.xiv, 93 and note 33; I.xv, 105 and note 65; I.xvi, 109 and note 6; II.xi, 278 and note 23; II.xii, 278 and note 28; III.iii, 442 and note 19; III.xiv, 530-531 and notes 42 and 46; III.xvii, 553 and note 40; III.xviii, 563 and note 8; III.xxii, 602 and note 31; III.xxiii, 612 and note 18, 618 and note 56.

the generalised employment of the *exemplum historicum* by Gentili himself! Nevertheless, Bodin's doctrine seems to be the first and major source of Gentili's *De iure belli*: for instance where the Italian jurist explains his theory about relationships with exiles. In *République* V.vi, which is entirely devoted to international law and to the laws of war and peace (*De iure feciali, deque foederibus et pacis actionibus inter populos sanciendis ac muniendis*),²² Bodin had justified the protection allowed to the exiles of an allied state. Gentili agrees, clearly sharing Bodin's thought about the necessary conditions for protection, and accordingly he writes:²³

And Jean Bodin says this was done even if it had been expressly provided by the treaties that no citizen of the one party should be received by the other, because (as we have said) exiles are for that reason not citizens. Yet if they are not exiles, but deserters and fugitives, then their reception would unquestionably constitute a violation of the treaty if they are not surrendered when claimed. For surrendered they must be, as Bodin rightly says.

In other places of the *De iure belli* Gentili disagrees with Bodin. For instance, in *De jure belli* I.xxv (*De honesta caussa belli inferendi*) it is clear that the Italian jurist was defending Ulpian's definition of natural law against its rejection by Bodin in his *Iuris universi distributio* (1578): "The founders of our laws", Gentili writes without quoting Bodin, "who define natural law as that which nature teaches all animals are not to be censured." But in spite of these and similar fluctuating judgements, Gentili shows a continuous awareness of and steady interest in Bodin's doctrine. Thus, in *De iure belli* I.x, on war in defence of true religion (*Si Princeps religionem bello apud suos iuste tuetur*), Gentili writes: "I find Bodin's argument acceptable, that force should not be used against subjects who have embraced

²² Bodin, De Republica, V.vi: (1641), 953-8.

²³ "Atque hoc idem ait Ioannes Bodinus, vel si foederibus cautum esset expresse, ne alterius cives alter susciperet, quia (ut diximus) exules a modo non sunt cives. Quod si non exules, sed perfugae, et fugitivi forent: horum quidem susceptione tum sine dubio violabitur foedus, quum repetiti non redduntur. Reddendos enim vere scribit idem Bodinus": Gentili, *De iure belli*, III.xxiii, 699, with the mnemonic (and erroneous) citation in marginal note b: "Bod. 3. de rep. 6".

²⁴ Gentili, *De iure belli*, I.xxv, 202: "Et nostri legum conditores non fuerunt reprehendendi: qui ius definierint naturale, quod natura omnia animalia docuit". On Ulpian's famous formula (*Dig.*, 1, 1, 1, § 3; *Inst.*, 1, 2, pr.), on its meaning and about its heritage in modern natural law theories, see A. Schiavone, *Ius. L'invenzione del diritto in Occidente* (Torino, Einaudi, 2005), 390–9. On its elaboration in legal and theological doctrines during the Middle Ages and on its crisis, cf. D. Quaglioni, *À une déesse inconnue: la conception pré-moderne de la justice*, with preface and translation from the Italian by M.-D. Couzinet (Paris: Publications de la Sorbonne, 2003).

another religion".²⁵ We can observe almost the same approach about the theory of self-preservation in *De iure belli* I.xiii (*De necessaria defensione*): "'Under pressure of arms, the force of necessity is such that things unjust seem entirely just': Bodin puts it well. War is just to those for whom it is necessary".²⁶ Other similarly fluctuating judgements appear in the subsequent chapters, on preventive self-defence (*De utili defensione*),²⁷ and on defensive treaties (*De honesta defensione*): "And we ourselves are injured if our allies are injured . . . Jean Bodin errs in holding that an ally or a confederate is not bound to give aid to an ally if the treaty contains no provision for aid, and the contrary is now shown by us and will be shown again in the third book".²⁸

Agreement and disagreement, conformity and divergence oscillate again and again in *De jure belli* II.x (*De pactis ducum*), where Gentili expresses here a consenting, there a dissenting opinion about Bodin's ideas on some practical aspects of legal representation: "Jean Bodin agrees with me in this opinion (*Est vero in hac opinione mecum Ioannes Bodinus*)", followed by "Bodin himself errs in this, that commanders are obligated by those who contract with them (*Ipse Bodinus in eo fallitur, quod istis ducibus obligat contrahentes cum eis*").²⁹ Comparable instances occur in II.xi (*De pactis militum*), about sureties given to enemies;³⁰ or in II.xix, on

 $^{^{25}}$ "Mihi tamen placet disputatio Bodini, ut vi non sit utendum contra subditos, qui aliam amplexentur religionem": Gentili, De iure belli, I.x, 68 and 71.

²⁶ "Vis necessitatis tanta est, prementibus armis, ut quae iniusta sunt, iustissima videantur: bene Bodinus. *Iustum bellum, quibus necessarium*": Gentili, *De iure belli* I.xiii, 95, with references in marginal notes x and y to Bodin, *République*, V.v and to Livy, *Ab urbe condita*, VIII (more precisely, IX. 1. 1). Of course, Bodin's quotation from Livy recalls Machiavelli: Bodin, *De Republica*, V.v: (1641), 896.

²⁷ Gentili, *De iure belli* Lxiv, 104: "Atque sic est ratio imperiorum, ne nocere possit, ut probe quisquis ille apud Dionysium; nihilque verius, et velut ab oraculo profectum: iudicio Bodini: Posse nocere, sat est. Quodque potest alios perdere, perde prior, apte hic poeta ingeniosus". The marginal references are to Dionysius of Halicarnassus, *Antiquitates Romanae*, VI [30], and to Ovid, *Fasti*, V (= IV, 922–924).

²⁸ "Et ipsi nos laedimur, si socii nostri laeduntur.... Male Ioannes Bodinus censet non teneri socium, et foederatum socio auxilium ferre, si de auxiliis cautum in foedere non est, et contrarium ostenditur nunc a nobis, atque etiam ostendetur in tertio libro": Gentili, *De iure belli*, I.xv, 116, with the marginal reference (note i): "Bod. 5. de rep. ult." See Bodin, *De Republica*, V.vi: (1641), 960.

²⁹ Gentili, *De iure belli* II.x, 290–291, with marginal reference (note y) to "Bod. 3. de rep. 2".

³⁰ Gentili, *De iure belli*, II.xi, 300: "At quid dicimus, si obsidibus datis abeat quis, nec praestat quod est pollicitus, an sit violatae reus fidei? Bodinus non putat, quia obsides sint fideiussores. Et quia captivi si vinculis, aut carceribus retinentur, iuraqerint autem non fugere, nulla obstringuntur poena periurii, si aufugiunt. Atque huc etiam illud trahit, dolum bonum esse in hostem. Sed hoc liquido male.... Et Bodinus ad fidem dixerit

hostages (*De obsidibus*);³¹ or in III.iii on expenses and damages from war (*De sumptibus, et damnis belli*).³² Especially noteworthy is the example in III.v (*Victoris adquisitio universalis*), where Gentili strongly disagrees with Bodin's famous distinction between the legal and the material dimension of the *civitas*:³³

For Bodin was by no means correct in reprimanding the jurist who said that the *civitas* of Carthage would have ceased to exist when it suffered the plough and was utterly overthrown: for it was the city, not the *civitas*, that ceased to exist, says Bodin: who none the less announces that the *respublica* of the Thebans perished. Why not, in this case? Not only was the city captured, but the *civitas* also. Therefore the *civitas* too ceased to exist. . . . Yet it is certain that *civitates* may cease to exist. And through the demolition of walls and buildings constructed by the prince's authority all rights of the *civitas* are extinguished.

It would be easy to note many other passages in Book III of the *De iure belli* where Gentili develops a stringent and rigorous discussion of Bodin's opinions, and where we can find evidence of a deep-rooted and multifaceted reception of Bodin's thought in the emerging international law theories at the end of the sixteenth century. For instance, in III.ix (*De servis*) Gentili

neutrum bene. De vinculis, et carceribus putem bene, quoniam fides non habita, fidem non obligat".

³¹ Gentili, *De iure belli*, II.xix, 395: "Licuit (ait Bodinus) semper, obsides fugientes necare: etiam si expressum pactis de hoc non esset", with marginal reference at note q: "Bod. 5. de rep. ult."; and 398: "Inquit autem Ioannes Bodinus, desitum esse, occidere obsides, postquam sperni fides coepta est, quasi nimis saepe patrandae hodie essenr caedes istae atroces innoxiorum obsidum, si sic perfidia aliena semper vindicaretur. At ego contra putem, desitum esse, servari fidem, postquam omitti vindicatio perfidiae coepta est. Ut vitia evolent impunita". Cf Bodin, *De Republica*, V.vi: (1641), 965.

³² Gentili, *De iure belli*, III.iii, 488–9: "Et sic igitur quae sunt definitiones in privatis caussis, ad sumptus litis damnantes partem victam, eae erunt et in publicis; et nullae erunt aequiores. Sumtus autem, damnaque, et interesse in tantum debentur, quum debentur tamen, et praestanda sint. Quae nostrorum est sententia intrerpretum. De qua ergo quarendum amplius putem in tractatu isto. Sed et iidem definierunt, quod attinet ad privata, quod etsi remissa generaliter damna sint, remissi sunt sumptus, non ideo a privatis, quae ipsi passi sunt, non repetentur. Id tamen verum esse negat Ioannes Bodinus. Et tu dubitare sic potes", with marginal reference (note t) to "Bod. 3. de rep. 8".

^{33 &}quot;Nam Bodinus haud recte reprehendit iurisconsultum, qui dixerit, civitatem esse desiisse Carthaginem, passam aratrum, et eversam funditus: etenim urbs desierit, non civitas, inquit Bodinus; qui tamen agnoscit, periisse Thebanorum rempublicam. Quid ni hoc? Capta non modo urbs fuit, sed et civitas. Igitur et civitas esse desiit.... Constat autem, civitates posse desinere esse. Et demolitione murorum, et aedificiorum facta per auctoritatem principis extingui omnia iura civitatis": Gentili, *De iure belli*, III.v, 500–501. See D. Quaglioni, "Les citoyens envers l'État: The Individual as a Citizen, from Bodin's *République* to Rousseau's *Contrat social*", in *The Individual in Political Theory and Practice*, ed. J. Coleman, 269–79 (Oxford: Clarendon Press, 1996).

expresses passionate disagreement *vis-à-vis* Bodin's hostility towards slavery whilst none the less holding him to have written "most justly" on the treatment of prisoners.³⁴ In III.xiv (*De iure conveniendi*) Gentili records his warm commendation of Bodin's doctrine about the binding commitments arising from the promises made by supreme rulers,³⁵ and likewise in III.xvi (*De legibus, et libertate*), on violation of pacts between ruler and subject.³⁶ On the other hand, in III.xvii (*De agris, et postliminio*) Bodin is held to have been himself "foolish" in dismissing as "foolish" the views of others on the *ius postliminii*, the right of surrendered persons to return to their former status;³⁷ while in III.xviii (*De amicitia, et societate*) he is adjudged unsound on whether treaties of friendship entail the duty to wage war on allies' behalf, but possibly sound in respect of "friendships contracted with foreigners".³⁸ Finally, in III.xxii (*Si successores foederatorum tenentur*)

³⁴ Gentili, *De iure belli*, III.ix, 541–544: "Disputatio autem contra ius servitutis habita a Ioanne Bodino, sane quam est inepta.... Tentat Bodinus docere, servitutis ius nec esse gentium. Aut contra faciunt auctores iuris, Plato, Xenophon, Aristoteles: quis non? Et quod negat Bodinus, ius concludi gentium a consensu gentium: quia et in idolatriam consensum fuerit: neque tamen idolatria ius sit; respondeo, rationem esse longe vanissimam [...]. Rectius disputaret alius, aequum esse ius, non quo omnes usi sunt, sed quod omnibus ltum est, ut sic Seneca. Attamen de assumtione respondemus, non sic factos omnes a natura liberos, quin et fieri servi nequirent plurimi.... Quod porro hoc ius sit servitutis [...] sic dico, non ita sequi rigorem oportere, quin non meminerimus eius magis, quod solet agi per viros bonos.... Scribit autem hic Bodinus rectissime, non aliter agendum in captivos, quam a bono patref. et id receptum fere omnium gentium institutis, et moribus esse".

³⁵ Gentili, *De iure belli* III.xiv, 595–596: "Hic errant plerique sane: qui imo tradunt, principem hostium captivum non posse pacem constituere: quia in metu versetur; et insuper addunt, pacem initam nec obligare vel ratam habitam a reverso in regnum, si obses aliquis relictus sit: pro quo sollicitus princeps sit magis, quam pro se fuerit, quia promissis metu non standum. Et hoc est, quod in caussa Francisci primi Galliarum: qui captivus Caesaris pepigit pacem: pessime respondisse tum nostros doctores, verissime monet Ioannes Bodinus. Sed et alii hoc nobiscum, et cum Bodino tradunt, valere haec captivorum, nisi iniuste captivi sint. Atque id in bello iusto, et tum captis non dicitur. Sic ego teneo de iuste captis".

³⁶ Gentili, *De iure belli* III.xvi, 622–623: "Cum subditis etiam servantur foedera difficillime omnium, quod Bodinus verissime. Indignantur enim principes agi secum a subditis tamquam ex aequo, et ex signatis tabulis obligationum"; with marginal note r: "*Bod. 5. de rep. ult*". Cf Bodin, *De Republica libri sex*: V.vi: (1641), 953.

³⁷ Gentili, *De iure belli* III.xvii, 629: "Et ita ius nostrum Iustinianeum non adversabitur aliis, qui de his deditis scribunt, nec ullo modo ineptum erit, ut hoc ineptus ipse accusat Bodinus".

³⁸ Gentili, *De iure belli* III.xviii, 633–634: "Ergo audire Bodinum non oportet: qui censet, per amicitiam contractam deberi nulla auxilia.... Sed et refutatur Bodinus perpetuo Romanorum iudicio, cogitantium, sibi necessaria pro amicis bella.... Amicitias dicimus hic, quales considerat ius nostrum, hoc est, usus hominum. Forte tamen eo casu potest vera esse Bodini sententia, si amicitia cum externis contracta esset: id est, cum iis, qui natura veluti hostes habebantur: aut etiam cum his quibuscum bellum gerebamus: nam cum primis restituta naturae amicitia vera, communis videbitur; cum secundis ipsa, quae

Gentili seems to endorse Bodin's views on whether treaties established by the predecessors of the rulers are binding on the latter, whilst dismissing his rejection of the concept of mixed constitution in the case of Rome:³⁹

Yet I do not approve that anomaly, that peoples are always bound [by prior agreements] because peoples are always the same, whereas the successors of kings are not bound by their predecessors. And therefore it is true that if successor kings are not bound by their predecessors' contracts, neither are the peoples bound who have made contracts with those deceased kings. However, if treaties were contracted not so much with the king as with the Roman people, there is no doubt that all those people remain bound to the Romans, and the Romans to them. And if the Roman constitution was democratic, even under the kings (which Bodin maintains), there will be still more certainty about the enduring nature of the obligation even though the king with whom the treaty was made may have died. But if the state was democratic it follows to the contrary that another state was formed under Superbus and not just altered when a democracy was turned into a monarchy. And so, as I said before, all treaties would appear to have been annulled. And vet, Bodin's remark on the Roman constitution is extremely foolish. For although the people made the laws, the magistrate proposed [them and also] declared war: which are the highest functions of the state. But as the people could not establish anything without the prior authority of the Senate, nor the Senate without the prior invitation, request and mature deliberation of the king or consul, that state is rightly said by Polybius and Cicero to be a mixture of three. And Bodin's aforesaid argument against them on the power of the people is of no account.

ante bellum communis erat"; with marginal note h: "Bod. 5. de rep. ult.". Cf Bodin, De Republica, V.vi (1641), 960.

³⁹ "Ego tamen non adprobo istam inaequalitatem, ut populi illi tenerentur semper, quia populi idem sunt semper: reges successores non tenerentur. Et igitur verum est, quod si reges successores non tenentur contractibus decessorum, nec populi teneantur, qui cum defunctis illis regibus contraxerunt. Quod si autem non tam cum rege, quam cum populo Romana foedera contrahebantur: dubium non est, quin populi illi omnes obligati Romanis manerent, et illis Romani. Et si status rei Romanae fuit democraticus, etiam (quod defendit Bodinus) sub regibus: magis certum erit de obligatione manente: quicquid is decesserit rex, cum quo foedus icum est. Sed si fuit status democraticus, sequitur ex adverso, alium illum statum factum sub Superbo, non modo alteratum, quum democratia in monarchiam versa fuit. Et itaque, quod antea dicebam, foedera omnia soluta videantur. Atamen ineptissimum Bodini commentum est de statu Romano. Etsi enim leges populus ferebat, magistratus deferebat, bella inferebat: quae summa sunt statuum; quod tamen neque populus non praeeunte senatus auctoritate, neque senatus ante regis, consulisve vocationem, et rogationem, et consultationem, aliquid satuebat: status ille merito ex tribus mixtus dicitur a Polybio, e Cicerone. Et argumentum contra hos de populi potestate supradictum Bodini nullum est": Gentili, De iure belli III.xxii, 682-683; with marginal note h: "Bod. 5. de rep. ft". Cf. Bodin, De Republica, V.vi (1641), 961.

We do not know whether Gentili was aware of the complex elaboration of the concept of just war and more generally of an international law doctrine in VI.v and vi of Bodin's *République*. He invariably cites only the Latin text and presumably he never had at hand any of the French editions which Bodin published, amplified and amended from 1576 to 1583. Nevertheless, Gentili seemingly appreciated Bodin's attempt to put in order and, so to speak, to systematize the late-medieval tradition of *ius gentium* into a new comparative legal-historical doctrine. At the same time he did not ignore the ambiguity of Bodin's concept of just war, the difficulty of finding in it a clear definition, and especially the problem of adapting it to Bodin's concept of supreme power (*summa potestas*).⁴⁰

Accordingly, one should not be astonished by the discovery of Gentili's annotations on Bodin's *République*, still extant among the Italian jurist's papers in the *D'Orville* Manuscripts at the Bodleian Library, Oxford.⁴¹ "These annotations, apparently written down while reading the book from cover to cover... are undated",⁴² but they certainly date back to the preparatory work for his masterpiece, the three books *De iure belli*. Also, as Alain Wijffels has observed,⁴³

following Gentili's apparently general pattern of reading annotations, the notes are terse and consist mostly of brief quotations of a short passage. Personal or critical remarks and reflections on the text remain sparse, mostly reduced to an (often, marginal) mention of approval or criticism. Nor is there seemingly much uniformity in the passages selected by Gentili for transcription: they include sometimes major original thoughts of Bodin, sometimes mere historical illustrations of an argument, sometimes a few technical references to a classical author, to the *corpora iuris*, or to latemedieval legal authors.

Again as Wijffels has observed and precisely demonstrates, in the manuscript $\mathsf{notes^{44}}$

Gentili indicates the beginning of each of the six books, and throughout the notes, he follows and mentions the successive chapters (giving the number

⁴⁰ See D. Quaglioni, "Il 'machiavellismo' di Jean Bodin («République», V, 5–6)", in *Il Pensiero politico*, 22 (1989): 198–207; Quaglioni, *I limiti della sovranità*, 129–39; and cf. my commentary to *République* V.v–vi, in *I sei libri dello Stato*, ed. M. Isnardi Parente and D. Quaglioni, 3: 212–295.

⁴¹ See K. R. Simmonds, "The Gentili Manuscripts", in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Romanistische Abteilung*, 76 (1959): 534–52.

⁴² Wijffels, "From Perugia to Oxford", 68-9.

⁴³ Wijffels, "From Perugia to Oxford", 69.

⁴⁴ Wijffels, "From Perugia to Oxford", 68-9, note 31.

or, when several extracts follow each other, the mention "eo[dem]" to indicate that the passage occurs in the same chapter. The notes follow almost without exception the order of Bodin's work, i.e. the sequence of the six books and, within each book, the sequence of chapters.

Here, then, is the sequence of Gentili's annotations: Book I—Ms. *D'Orville* 610, cc. 205v–207v; Book II—c. 207v; Book III—cc. 207v–210v; Book IV—cc. 210v–211r; Book V—cc. 211r–214r; Book VI—cc. 214r–215v. Among the examples offered by Wijffels, we may here remember the following and most important passages:⁴⁵

- 1. Bodin, *République*, I.i (on the state): "Bodinus notat, sed male, et ridicule etiam in reliquo"; and in the margin: "contra Bod" (MS *D'Orville* 610, c. 205v).
- 2. Bodin, *République*, I.iv (on the father's power), in the margin: "Dormit Bodinus" (MS *D'Orville* 610, c. 206r).
- 3. Bodin, *République*, I.vi (on citizenship): "Dormit, puto, Bodinus, in eo, quod narrat, a Scipione primum narratum Cartaginensibus de urbis excidio. Sane hic auctor est negligentissimus, et nullius acuminis, nam et reprehendit l. 21, qu. mo. us. am. [*Dig.*, 7, 4, 21, with a reference to Carthage's loss of its status as a *civitas*], quia urbs perierit, non civitas"; and in the margin: "contra Bod." (MS *D'Orville* 610, c. 206v).
- 4. Bodin, *République*, I.viii (on sovereignty): "sed Bod. contra et recte" (MS *D'Orville* 610, c. 207r).
- 5. Bodin, *République*, III.viii (on the orders of citizens): "et pulcre de nobilitate hoc capite" (MS *D'Orville* 610, c. 210v).
- 6. Bodin, *République*, V.vi (on treaties and the power to declare war and peace (*ius fetiale*): "bene haec Bodin" (MS *D'Orville* 610, c. 213r).

In Gentili's twenty pages of annotations, according to Alain Wijffels, a few transcripts have probably been further annotated at a later stage, as the annotations appear in the margins:⁴⁶

Particularly striking in the manuscript annotations are Gentili's characteristic marginal entries, mostly reduced to a single capital letter. This was a code-system which Gentili used on several other occasions in his reading notes, perhaps in order to point out the passages he thought to be relevant for his own writings. It is not clear whether such marginal codes were added

Wijffels, "From Perugia to Oxford", 69, notes 32-33.

⁴⁶ Wijffels, "From Perugia to Oxford", 69.

at the time of the reading, i.e. when the passages from Bodin were transcribed, or at a later stage. In any case, it is obvious that most of these codes in the margin of the Bodin notes consist of capital B, which, preliminary research on other reading notes by Gentili suggests, may stand for "bellum" and may correspond to passages used in Gentili's works on the law of war.

That this is especially the case in Gentili's *De iure belli* is easily verifiable from the apparatus to the Italian edition of the work, published in 2008.⁴⁷

In Gentili's Bodinian annotations "the frequency of capital Bs in comparison to occasional other key-words or signs could even suggest that the book was read and annotated (or that the annotations were read over at a later stage) specifically with their use for a study on war or the law of war in mind".⁴⁸ Wijffels clearly demonstrates that the selection of transcripts is also unevenly distributed over Bodin's whole work. Thus, *République* V.vi (on the ancient *ius fetiale*, and on treaties and peace), for example, "is one of the most extensively annotated chapters in Gentili's manuscript notes, and, correspondingly, one of the most frequently quoted chapters from Bodin's book in Gentili's *De iure belli*".⁴⁹ By contrast, as Wijffels observes, the famous chapter viii of Book I of the *République* is comparatively far less annotated.⁵⁰

The reception of Bodin's *République* is the basis of Gentili's attempt to adjust the law of nations in the *mos italicus* to early-modern sovereignty: "Maintaining the early-modern sovereign, to whom the exercise of government, within the rule of law culture which had played an essential part in the political governance of the late-medieval Italian polities where the law scholars and consultants of the *mos italicus* had thrived, may therefore be seen as Gentili's sustained effort in order to assert the authority of the law of nations which he contributed to formulate as a distinct and autonomous legal discipline. In pursuing that effort, he continued to rely on his . . . intellectual and cultural heritage". ⁵¹

Viewed in conjunction with his other annotations and citations, Gentili's references to Bodin confirm that as a reader the Regius Professor intermingled his interests in opinions and authorities derived from both contemporary and late-medieval authors, in much the same way as he

⁴⁷ Gentili, *Il diritto di guerra (De iure belli, 1598): ad indicem, s. v.* "Bodin, Jean", 634–5.

⁴⁸ Wijffels, "From Perugia to Oxford", 70.

⁴⁹ Wijffels, "From Perugia to Oxford", 70.

⁵⁰ Wijffels, "From Perugia to Oxford", 70. See Gentili, *Il diritto di guerra (De iure belli, 1598)*: I.vi, 47 and note 17; III.ix, 485 and note 25; III. xiv, 531 and note 47; and cf. *I sei libri dello Stato di Jean Bodin*, ed. M. Isnardi Parente, 1: 388, 406 and 353.

⁵¹ Wijffels, "From Perugia to Oxford", 70, 78.

did as a writer. Beyond this, Bodin's Italian reception "out of Italy", so to speak, played a very significant role in the European reception of the Angevin, and in the impact of that reception in turn. So much is evident when we reflect on the importance of Gentili's *De iure belli* for Hugo Grotius and for the attendant shift in the natural law tradition:⁵² a shift that "presaged a time of rational and scientific investigation" in the sphere of the legal organization of civil society⁵³—as in so much else.

⁵² Hugo Grotius, *De iure belli ac pacis libri tres, in quibus ius naturae et gentium item iuris publici praecipua explicantur*, ed. B. J. A. De Kanter-van Hettinga Tromp: facsimile edition (Leiden: Brill, 1939); new annotations by R. Feenstra and C. E. Persenaire, assisted by A. Arps-De Wilde (Aalen: Scientia Verlag, 1993), 1046 ("List of Sources"). See V. Ilari, *L'interpretazione storica del diritto di guerra romano fra tradizione romanistica e giusnaturalismo* (Milano: Giuffrè, 1981), 65–86; Quaglioni, "Introduzione", in Gentili, *Il diritto di guerra*, XVI–XVII and XXXI; and Quaglioni, "Pour une histoire du droit de guerre au début de l'âge moderne: Bodin, Gentili, Grotius", 9–20.

⁵³ V. I. Comparato, "From Machiavellism to the End of the Seventeenth Century", in D. Quaglioni and V. I. Comparato, "Italy", in *European Political Thought*, 1450–1700. *Religion, Law and Philosophy*, ed. H. A. Lloyd, G. Burgess and S. Hodson, 55–101 (New Haven and London, Yale University Press, 2007), especially 96–7.

CHAPTER SIXTEEN

BODIN IN THE ENGLISH REVOLUTION

Glenn Burgess

Thomas Hobbes's work *The Elements of Law* has as good a claim as anything to be considered the first significant piece of political writing responding to the English Revolution. Hobbes wrote the book at the time of the Short Parliament (April–May 1640), and so worried was he by the boldness of his arguments and the growing heat of conflict in England that he felt it prudent to go into exile in November 1640.¹ The *Elements* was the earliest of the three main versions of Hobbes's political thought. It was also the only work in which Hobbes—notoriously reluctant to acknowledge any debt to other authors—referred to Jean Bodin. He did so to refute the erroneous opinion "that the sovereign power may be divided":

And if there were a commonwealth, wherein the rights of sovereignty were divided, we must confess with Bodin, Lib. II, chap. I *De Republica*, that they are not rightly to be called commonwealths, but the corruption of commonwealths. For if one part should have power to make the laws for all, they would by their laws, at their pleasure, forbid others, to make peace or war, to levy taxes, or to yield fealty and homage without their leave; and they that had the right to make peace and war, and command the militia, would forbid the making of other laws, than what themselves liked. And though monarchies stand long, wherein the right of sovereignty hath seemed so divided, because monarchy of itself is a durable kind of government; yet monarchs have been thereby divers times thrust out of their possession. But the truth is, that the right of sovereignty is such, as he or they that have it, cannot, though they would, give away any part thereof, and retain the rest.²

John Salmon, in his pioneering account of the reception of later sixteenth-century French political thought in England did not refer to Hobbes's one

¹ Perez Zagorin, "Thomas Hobbes's Departure from England in 1640: An Unpublished Letter", *Historical Journal* 21 (1978): 157–60; Noel Malcolm, ed., *The Correspondence of Thomas Hobbes*, 2 vols. (Oxford: Oxford University Press, 1994), 1: 114–16. A. P. Martinich, *Hobbes: A Biography* (Cambridge: Cambridge University Press, 1999), 122, 161–3.

² Thomas Hobbes, *The Elements of Law Natural and Politic*, ed. Fernand Tönnies (1889, reprint London: Cass, 1969), II.8.7: 172–3.

and only reference to Bodin, noting instead that "the resemblance of Hobbes's conclusions to those of Bodin was purely superficial".³ In his later survey of Bodin's legacy in France, Germany and England, Salmon was to note that Hobbes's "theory of absolute sovereignty has not been dealt with here since its premises were quite different from Bodin's".⁴ That may be so, but a question surely remains. If Hobbes owed so little to Bodin, what did he think he was doing when he cited him? To answer the question a context must be established, by looking broadly at the uses of Bodin in the political thinking of the English Revolution.

Peter Burke's essay on reception theory, which appears at the beginning of this volume, outlines a series of shifts that cluster around the idea of 'reception'—the shift from the historical pursuit of traditions and influences to the pursuit of uses and appropriations; the shift from the faithful transfer of meaning to creative re-readings; the shift to accommodate an understanding of reading as an act that creates new meanings through the dialogue of reader and text; the shift, in short, from passive to active reception. These many shifts can help us to find a framework within which we might catalogue and understand the reception of Bodin in the English Revolution, and reconstruct the horizon of expectations that some English readers brought to their encounter with him.

1

We might begin with an absence: translation. A significant number of European works were published (or re-published) in English translation during the 1640s and 1650s,⁵ but, with one exception, there was nothing of Bodin to follow the 1606 Knolles' translation of *The Six Bookes of a Commonweale*. The exception was the publication in 1648 of Sir Robert Filmer's *The Necessity of the Absolute Power of All Kings: And in Particular of the Kings of England*, a set of extracts from the Knolles' translation. The absence of translation might pose questions about the depth of English

³ J. H. M. Salmon, *The French Religious Wars in English Political Thought* (Oxford: Clarendon Press, 1959), 114.

⁴ J. H. M. Salmon, "The Legacy of Jean Bodin: Absolutism, Populism or Constitutionalism?", *History of Political Thought* 17 (1996): 521.

⁵ Among the works translated was the *Vindiciae contra Tyrannos* (in 1648). For an overview of its English reception, in which William Prynne (who is discussed later in this essay) plays a significant role, see Stefania Tutino, "Huguenots, Jesuits and Tyrants: Notes on the *Vindiciae Contra Tyrannos* in Early Modern England", *Journal of Early Modern History* 11 (2007): 175–96.

engagement with Bodin; however it is counter-balanced by a wealth of references to him, many incidental, in the political writings of the English Revolution. But this extensive array of citations poses some questions of its own. Most of the references to Bodin are isolated (one or two in a book); they cover some very familiar topics and ignore much else. So how much *reception* is really happening? How many citations are second hand, or perpetuated through polemical exchanges? How much is empty gesture?

Looking at a reasonably systematic sample of such references, selected so far as possible at random, we can discern a number of patterns that tell us about the uses to which Bodin was put by English writers.⁶ To the toolkit for understanding textual reception furnished by Peter Burke's essay, we might add another layer of terms that will help us to categorize the types of use to which Bodin was put by English writers during (and, indeed, before) the decades of the English Revolution. In broad terms, four categories of citation can be found in the evidence. To some degree the categories could overlap or be blended together.

The first of these is use as *Example*. Bodin's work (the *République* especially) was a richly-stocked storehouse of historical and geographical examples, of case studies and exemplars, that could be mined for use without any overt engagement with Bodin's own ideas. Many writers cited him simply for the purpose of documenting their employment of an historical or political example, though sometimes with an indication (by way of endorsement or of criticism) of the way in which Bodin had interpreted or used the material himself.

A second category is use as *Authority*.⁷ Bodin came to be recognized by many as an authority whose support could add weight to an argument (sometimes as part of a long list of similar authorities). Not surprisingly, therefore, Bodin received an entry in Edward Leigh's 1656 alphabetical

⁶ The evidence on which the essay is based is derived from a search of the *Early English Books Online* database [http://eebo.chadwyck.com/home], which draws upon the approximately 40,000 texts currently available in SGML-encoded form, produced by the Text Creation Partnership [http://www.textcreationpartnership.org/].

⁷ On the exploitation of authority in this context see the discussion in Conal Condren, *The Status and Appraisal of Classic Texts: An Essay on Political Theory, Its Inheritance, and the History of Ideas* (Princeton NJ: Princeton University Press, 1985), 191–4, 255–85. Also relevant to this discussion is the whole of cap. 5 on contribution and influence; and for an example Condren, "The Creation of Richard Hooker's Public Authority: Rhetoric, Reputation and Reassessment", *Journal of Religious History*, 21 (1997): 35–59. This, in turn, can usefully be read alongside Michael Brydon, *The Evolving Reputation of Richard Hooker: An Examination of Responses* 1600–1714 (Oxford: Oxford University Press, 2006).

compendium, A Treatise of Religion and Learning and of Religious and Learned Men. The entry for him reads, "John Bodin, a Papist, but an ingenuous and judicious Writer, of great and good note, as well among Protestants as Papists". The entry then cites a number of contrasting scholarly views of Bodin. So we learn that "Possevine [the Jesuit, Antonio Possevino in the Bibliotheca selecta (Rome, 1593)] dislikes his Methodus Historica, because he makes such honourable mention of the Protestants there", carefully balanced by the comment that "Voetius [the Dutch Calvinist, Gijsbert Voet]...condemns Possevines Bibliotheca, as maimed, because out of his envy and pretended hatred against heresie, he passeth by many excellent Authors". Tycho Brahe, however, "chargeth him [Bodin] with grosse errours in matters of History", while Thuanus (Jacques-Auguste de Thou) perhaps says what is most important in this context: "Joannes Bodinus homo multiplici eruditione notus".8 The general message was clear: here was a man widely respected for his learning, "a judicious Papist" as the index to the book put it, respected by Catholics and Protestants; a man whose opinion counted. He was an authority to be cited.⁹ Indeed, a particular value could attach to the ability to deploy an authority for unlikely purposes, and the accomplished controversialist displayed his talents by co-opting and neutralising authorities who seemed more likely to support the position of his opponents. By these means, partisan and controversial opinions could be made to seem the subject of consensus (the view of all sound authorities). Bodin was ripe for this treatment, as a figure generally assumed to be papist and royalist, but whose views were complex and subtle enough to provide a toehold for the enemies of popes and kings alike.

⁸ Edward Leigh, A Treatise of Religion & Learning and of Religious and Learned Men, Consisting of Six Books, The Two First Treating of Religion & Learning, The Four Last of Religious or Learned Men in an Alphabetical Order (London: Charles Adams, 1656), 139. Leigh's main entry for Bodin is an acknowledged quotation from Thomas Gataker, Thomas Gataker B.D. His Vindication of the Annotations by Him Published Upon These Words, Thus Saith the Lord, Learn Not the Way of the Heathen, and Be Not Dismayed at the Signes of Heaven, for the Heathen are Dismayed at Them, Jer. 10. 2, Against the Scurrilous Aspersions of that Grand Imposter Mr. William Lillie (London: Thomas Downes, 1653), 17.

⁹ Edward Leigh was a puritan and parliamentarian, and a member of the Rump (though he was to welcome the Restoration), and his work may be evidence of the respect Bodin commanded amongst parliamentarians, notwithstanding the extensive Royalist exploitation of his theory of sovereignty: John Sutton, "Leigh, Edward (1603–1671)", *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online ed, Jan 2008 [http://www.oxforddnb.com/view/article/16378, accessed 12 Aug 2012].

This category of citation shaded into a third, which might be labelled use as an *Icon*, in which Bodin became a symbol for a particular position. Many writers attempted to invoke Bodin in the role of iconic representative of a group, sometimes without citing anything in particular that he might have written. This amounted to the exploitation of Bodin's reputation more than his words, and, in contrast to the previous category, drew strength less from invoking Bodin's authoritative views and opinions, and more from a vaguer appeal to his reputation as the mouthpiece for particular controversial or partisan positions. But, like the use of Bodin as *Authority*, this could also be a strategy for using Bodin against his friends, though the end point in this case was likely to be irenic or consensual. This was the sort of polemic that dared not speak its name.

Finally, Bodin might be used as a *Creative Source*, by which term I am labelling uses of Bodin that betoken a genuine intellectual engagement (appropriation or adaptation) of Bodin's ideas, to produce arguments that might not have been possible without Bodin's aid (though this is always likely to be a matter impossible to prove conclusively). This tends to be the sort of use or influence that historians of ideas¹¹—but perhaps not historians of reception—are looking for. It seldom exists in 'pure' form, and even the most creative uses of Bodin, or the most thorough-going engagement with his ideas, will very often be blended with the other ways of using or citing him. Few people cite innocently, without any thought to the impression created by citation as well as to its specific content or accuracy.

So, in seeking to ask whether the reception of Bodin made any difference to the political thinking of the English Revolution, we need to be mindful of this broad range of ways in which citation and use occurred, and to understand that it will very likely be impossible (not to say crude and simplistic) to distil from the mixture Bodin's 'influence' in its pure form.¹²

 $^{^{10}}$ The term is adapted from Brydon, *Evolving Reputation of Richard Hooker*, cap. 4, on Hooker as 'the icon of Restoration Anglicanism'.

 $^{^{11}\,}$ As for example George L. Mosse, "The Influence of Jean Bodin's *République* on English Political Thought", *Medievalia et Humanistica* 5 (1948): 73–83, which is concerned with the period before 1606.

¹² The points made by Quentin Skinner in his early work about what was required to demonstrate intellectual influence make it apparent just how difficult the task might be: see Skinner, "Meaning and Understanding in the History of Ideas", in James Tully, ed., *Meaning and Context: Quentin Skinner and His Critics* (Cambridge: Cambridge University Press, 1988), 45–7; revised version in Skinner, *Visions of Politics*, 3 vols. (Cambridge:

A great many of the citations of Bodin can be assigned to one of the first three of these categories. This paper will not explore the ways in which readers and writers employed Bodin's works (the *République*, the *Methodus* and the *Démonomanie* were all so employed, though the first most frequently) as sourcebooks of historical and political examples. It is however worth taking time to explore the citation of Bodin as *authority* or *icon*. Typically these citations apply simple labels intended to shape the reader's response to Bodin. Indeed, often they do not go much beyond that level.

One writer whose use of Bodin might, on occasion, best be understood in relation to these two categories does, however, go much further—Sir Robert Filmer. Bodin may well have exerted a formative influence on Filmer—it has been said that "Bodin is the one author without whom Filmer is unthinkable"¹³—and Bodin's *République* is cited and discussed several times in *Patriarcha*, the work in which Filmer first laid down his political ideas (now agreed to date to c.1630).¹⁴ But one of Filmer's contributions to the debates of the English Revolution is rather different in character. *The Necessity of the Absolute Power of All Kings* was published in 1648, under two different title pages. One variant left the authorship of the work entirely anonymous; the other, however, attributed it to "John Bodin, a Protestant according to the Church of Geneva", and the surviving manuscript does the same. The *Necessitie* does indeed consist of a series of extracts from Knolles's 1606 translation of the *République*, ¹⁵ clearly chosen as direct refutations of arguments advanced by English parliamentarians,

Cambridge University Press, 2002), 1: 74–6. See also Quentin Skinner, "The Limits of Historical Explanations", *Philosophy* 41 (1966): 199–215.

¹³ James Daly, *Sir Robert Filmer and English Political Thought* (Toronto: University of Toronto Press, 1979), 22. Daly gives a useful summary of Filmer's debt to Bodin (pp. 21–3); for his wider debt to French absolutist thought see Cesare Cuttica, "Anti-Jesuit Patriotic Absolutism: Robert Filmer and French Ideas (c.1580–1630)", *Renaissance Studies* 25 (2011): 559–79.

¹⁴ Anthony B. Thompson, "Licensing the Press: The Career of G. R. Weckherlin During the Personal Rule of Charles I", *Historical Journal* 41 (1998): 653–78. A valuable analysis of Filmer's approach to sovereignty in the context of the years around 1630 is Cesare Cuttica, "Kentish Cousins at Odds: Filmer's *Patriarcha* and Thomas Scott's *Defence of Freeborn Englishmen*", *History of Political Thought* 28 (2007): 599–616.

¹⁵ Details of which passages have been used can be found in Constance I. Smith, "Filmer and the Knolles Translation of Bodin", *Philosophical Quarterly* 13 (1963): 248–52; and in the edition of the text in Filmer, *Patriarcha and Other Writings*, ed. J. P. Sommerville (Cambridge: Cambridge University Press, 1991), 172–83.

and of course simplified in the process. Emphasising that sovereignty was "an absolute power not subject to any law", the work showed that a king was not subject to the commands of another; rather, he "gives laws unto his subjects" and abrogates laws now useless. For that reason, a king "is acquitted from the power of laws". "There is not any bond for the sovereign prince to keep the laws, more than so far as right and justice requireth". This was a distillation of Bodin's discussion, with fewer ambiguities than the original. Filmer included also passages on the English parliament, and on the impossibility of subjecting a king to the will of a popular assembly, along with two sentences from Bodin that directly targeted key parliamentarian positions: "never any commonwealth hath been made of an aristocracy and popular estate, much less of the three estates of a commonwealth", and "states, wherein the right[s] of sovereignty are divided, are not rightly to be called commonweals" (this latter the point on which Hobbes had cited Bodin).¹⁶

Yet it is not the content of this pamphlet that is of primary interest. Filmer was not always uncritical of Bodin, 17 yet the *Necessity*, at least in the form that identified Bodin as its author, was an attempt directly to co-opt his authority and his words. Furthermore that remarkable identification of Bodin as a Genevan Calvinist presumably aimed at re-presenting his authority in ways that made the maximum use of his words to confront the arguably Calvinist ideas being used in support of the resistance of an English parliament against an English king. It is impossible to reconstruct from the evidence precisely what Filmer intended to do in publishing the *Necessity* (or how much of the way in which the work was presented was owed to his printer), but as a piece of printing to be consumed by readers, the non-anonymous *Necessity* can be read as a pointed attempt to capture the authority carried by Bodin and to present it in ways most damaging to parliamentarians.

Bodin's authority and his role as icon were constructed from a few key ingredients. Chief among them were his authority as a learned man (especially as a man learned in the law); his religion, variously assessed but often constructing him as an icon of the moderate papist; and his political wisdom and moderation. Thus Richard Baxter in 1659 variously referred to him as "a Learned Papist", one of several "moderate papists" and "a Judge in France". The first reference is a good example of how authority

¹⁶ Filmer, *Patriarcha and Other Writings*, ed. Sommerville, 173-9.

¹⁷ See especially Filmer, *Patriarcha*, 260-2.

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citation and invocation of an icon worked together: "How highly doth *Bodin* a Learned Papist extol the Presbyterian Discipline at *Genevah* from its effects, when among many of you it hath as odious titles as if it were some blasphemous damning thing".¹⁸ Bodin's learning and his moderation came together in the papist who could see the merits of Calvinist church discipline. How astonishing it might then seem that not all English protestants were so perspicacious.

Moderate in his religion, Bodin's reputation was also of a man whose political insight led to moderation as well. The Royalist Charles Dallison quoted William Prynne's view that he was "a grave Politician", 19 and this was a view widely shared. Writing after the period of the English Revolution, Richard Baxter teased out the moderation in Bodin's views, in an account that was explicitly aimed at showing that the underlying principles held by this papist, one of "the famous Lawyers and Politick writers of Europe, Papists or Protestant"—thanks no doubt to his learning—were more moderate than he was sometimes given credit for. (By implication, if they were as learned themselves, English protestants could scarcely fail to reach the same moderate position.) Thus noting that Bodin was accused of being a friend of absolute monarchy by Althusius, Baxter pointed out that he nonetheless described a tyrant "as copiously and odiously" as anyone, and allowed that tyrants might be killed; he allowed a ruler "just so much power as the people give him", and thought that the contract between kings and their people was mutually binding. Baxter noted, as well, that Bodin was opposed to wars of religion.²⁰

This moderation in matters religious and political—the image of the *politique*—was also invoked by Thomas Fuller in 1643. Moderation, we should remember, is a rhetorical stance, often a desirable quality to project for even the most choleric extremist.²¹ Fuller was certainly not a man of that disposition, but in numerous works he did construct a moderate

¹⁸ Richard Baxter, *Five Disputations of Church-Government and Worship* (London: Nevil Simmons, 1659), 33. The moderate papist quotation is on p. 36; and the French judge reference is in Baxter, *A Key for Catholicks, To Open the Jugling of the Jesuits, and Satisfie All that are but Truly Willing to Understand, Whether the Cause of the Roman or Reformed Churches Be of God* (London: Nevil Simmons, 1659), 204.

¹⁹ Charles Dallison, The Royalist's Defence Vindicating the King's Proceedings in the Late Warre Made Against Him (London: s.n., 1648), 65.

²⁰ Richard Baxter, *The Second Part of the Nonconformists Plea for Peace* (London: John Hancock, 1680), Preface, sig. A4vo–b2.

²¹ Cf. Conal Condren, *The Language of Politics in Seventeenth-Century England* (Basingstoke: Macmillan, 1994), 158–9; Condren, "Radicals, Moderates and Conservatives in Early Modern England: A Case of Sandwich Islands Syndrome?", *History of Political Thought* 10 (1989): 525–42.

identity for himself. As he put it, "I have gone in a middle and moderate way, betwixt all extremities". ²² Alignment with the reputation of Bodin was part of that process. Fuller reported that a critic had said of him, "You write of the Reformation of a Church like *Bodin*, not like *Bucer*, you make it a worke of *Policy* not of *Piety*, of *Reason*, not *Divinity*". He replied:

Would I wrote like Bodin, though on condition that I never wrote Answer to your Examinations. Would we had some *Bodins*, some such able Statesmen, that they might improve their parts to advance an happy Accommodation betwixt our Sovereigne and his Subjects.²³

It is not surprising, then, that Bodin's political writing was cited in support of arguments presented by Royalists, Parliamentarians, 'commonwealthsmen' (Marchamont Nedham), and later by the Quaker William Penn.²⁴ There was polemical value in claiming the support of an icon or an authority; and the list of topics on which his views were deemed relevant—absolute sovereignty, tyranny, mixed monarchy, resistance, limitations to sovereign authority (including taxation), and sometimes ecclesiastical discipline (especially Genevan)—is as much a reflection of the issues current in the debates about the nature of Charles I's authority and the right to resist it as of Bodin's own intellectual concerns. Much of the use was formulaic; much of it may be explained in relation to the categories identified and explored earlier in this paper. Thus far might reception theory, broadly conceived, take us: Bodin was used in the political writing of the English Revolution to address a fairly narrow range of topics, and was widely invoked as an authority and icon.

But we might also ask ourselves what we have lost if we refuse to ask questions about influence, tradition, or the transmission of ideas. What difference did the reception of Bodin make in the English Revolution? Was he simply appropriated for purposes and for the defence of arguments and ideologies that people had arrived at without his help, or did

²² Thomas Fuller, *Truth Maintained, or, Positions Delivered in a Sermon at the Savoy Since Traduced for Dangerous, Now Asserted for Sound and Safe* (London: s.n., 1643), "To the unpartiall Reader", sig. C2vo.

²³ Fuller, *Truth Maintained*, 18 (of the second part—the original sermon and *Truth Maintained* are separately paginated).

²⁴ For the last two, Marchamont Nedham, *The Case of the Commonwealth of England, Stated*, ed. Philip A. Knachel (Charlottesville VA: Folger Shakespeare Library/University Press of Virginia, 1969), 11, 32, 85, 101, 106, 107 (mainly used as a source of examples); William Penn, *Considerations Moving to a Toleration and Liberty of Conscience with Arguments Inducing to a Cessation of the Penal Statutes Against All Dissenters Whatever, Upon the Account of Religion* (London: R. Hayhurst, 1685), 10 (Bodin on the illegitimacy of using violence to produce religious conformity).

the encounter that some readers might have had with Bodin's work add something to the ferment of ideas that might not otherwise have been there? Possibly this may seem an old-fashioned, even a rather crude or naive, question, in the light of recent approaches to intertextuality; but perhaps we risk losing something if we do not ask it.

3

It will hardly come as a surprise to learn that Royalist writers and propagandists, keen to support the idea of an English monarchy that was 'absolute' and could not legitimately be resisted, drew upon Bodin's ideas. There was an obvious affinity between this Royalist cause and Bodinian ideas of absolute sovereignty, and writers were not slow to exploit this. Nonetheless, even Royalist writers slotted their deployment of key Bodinian ideas into a framework that was not in itself well designed to accommodate them. Good examples of this may be found among the Royalists of the so-called Great Tew circle (with which both Hobbes and Clarendon—the king's chief propagandist in the early years of the civil war—had some association).²⁵

The pattern of citation in the political writings that have been associated with the Tew circle (the closeness of the association might be questioned) is telling. The reliance on scripture and on English legal authorities points to their paramount argumentative strategy: a general reliance on the view that God has forbidden political resistance, with a more specific analysis of the rights of kings and people under English law. The opening lines of Sir John Spelman's *Case of Our Affaires* put the point well:

Though the Bonds of all Dutie are originally and principally founded in God, and tied by Religion; yet seeing all civill Duties relate to the particularity of the humane Ordinance, and according to the nature of it, is with more or lesse importance to be exacted. What Subject soever would finde the true rule and bond of his obedience, must in the first place look what the State is wherein he lives, and in whom the Soveraignty is to which his obedience and faith is inevitably bound. 26

²⁵ Hugh Trevor-Roper, Catholics, Anglicans and Puritans: Seventeenth Century Essays (London: Secker & Warburg, 1987), cap. 4; Perez Zagorin, "Clarendon and Hobbes", Journal of Modern History 57 (1985), 593–616; Sarah Mortimer, "Great Tew Circle (act. 1633–1639)", Oxford Dictionary of National Biography, Oxford University Press [http://www.oxforddnb.com/view/theme/69884, accessed 26 Aug 2012].

²⁶ Sir John Spelman, *The Case of Our Affaires, in Law, Religion and Other Circumstances Briefly Examined, and Presented to the Conscience* (Oxford: H.H. for W.W., 1643), 1.

Thus writers turned frequently either to the sources of English law (statues and reports) or to authorities on it. Dudley Digges's analysis of the constitution drew on Bracton, Stanford, Dyer, Fortescue, Crompton, and Coke;²⁷ while Spelman himself relied on a similar range of authorities, beginning with an account of the English polity rooted in Reformation legislation and its interpretation in Coke's report on Cowdrey's case (1591), which had dealt with ecclesiastical jurisdiction and its relation to English common law.²⁸ England was "an Empire...[with] a Soveraigne, a King whose Crown is an Imperiall Crown".²⁹ But the rootedness of these Royalist writers in the English legal tradition created a particular context for any reception of Bodin.³⁰

Spelman deployed Bodin in his reply to the Parliamentarian propagandist, Henry Parker, *A View of a Printed Book*. Parker had claimed that the king, though *singulis major* (superior to every individual subject) was nonetheless *universis minor* (subject to the universality, or the people as a whole, and therefore to their representatives in parliament). Spelman in response cited statute law to the effect that:

The Crowne of England [is] immediately subject to God, and to none other. If immediately subject to God, then will not that distinction salve that the people in *universali* are above it.

The judgement then of *Bodin* may be well applyed unto this observator: [Parker, whose best known pamphlet was entitled *Observations*]: *They which have written of the duetie of magistrates, and other such like books have deceived themselves in mayntayning that the power of the people is greater than the Prince; A thing which oft-times causeth the true subjects to revolt from the obedience which they owe unto their Soveraigne Prince: And ministreth matter of great troubles in Common wealthes; of which their opinion, there is neither reason, nor ground except the King be Captive, furious, or in his infancy, and so needeth to have a protector or Lieutenant appoynted him by the suffrages of the people: For otherwise if the King should be subject unto the assemblyes and decrees of the people, he should neither be King nor Soveraigne and the Common wealth neither Realme nor monarchy, but a mere Aristocracy*

²⁷ Dudley Digges, *The Unlawfulnesse of Subjects Taking Armes Against Their Soveraigne* (Oxford: s.n., 1643), 74–84.

²⁸ Spelman. Case of Our Affaires, 1–4; also 8 (Compton), 10–12 (Bracton), 15 (Coke).

²⁹ Spelman. Case of Our Affaires, 1.

³⁰ For accounts of this brand of Royalist thought see C. C. Weston & J. R. Greenberg, Subjects and Sovereigns: The Grand Controversy over Legal Sovereignty in Stuart England (Cambridge: Cambridge University Press, 1981), cap. 4; John Sanderson, "But the People's Creatures": The Philosophical Basis of the English Civil War (Manchester: Manchester University Press, 1989), caps. 2 & 3; David L. Smith, Constitutional Royalism and the Search for Settlement, c.1640–1649 (Cambridge: Cambridge University Press, 1994), cap. 7.

of many Lords in power equall, where the greater commandeth the lesse in generall and every one in particular, and wherein the Edicts and Lawes are not to be published in the name of him that ruleth, but in the name and authoritie of the States, as in an Aristocraticall Seigniory, where he that is cheife hath no power but oweth obeysance unto the Commandements of the Seigniory unto whom yet they all and every one of them feigne themselves to owe their faith and obedience; which are all things so absurd, as hard it is to say, which is farthest from reason. Thus, he, which he doth a little after apply unto the state of England.³¹

Spelman's central point was to deny that kings could be resisted by their subjects; and he again made use of quotation from Bodin to reinforce the argument:

For my part, I cannot but thinke that a state after much sufferance, seeing utter destruction to be at hand ready to swallow them up, may use any good and lawfull meanes, as flight, and avoidance to preserve themselves from ruin by the hand of a tyrannizing Lord: yet I dare not approve of active resistance, by taking up armes against a lawful Soveraign Prince, though tyrannizing over his Subjects If the Prince (saith Bodin) be an absolute Soveraigne, as are the true Monarches of Spaine, England, &c. where the Kings themselves have the Soveraignty without all doubt, or question, not divided with their Subjects; in this case it is not lawfull for any one of the Subjects in particular, nor all of them in generall, to attempt anything either by way of fact, or of justice, against the honour, life, or dignity of the Soveraigne: albeit that he had committed all the wickednesse, impiety, and cruelty that could be spoke.³²

Interestingly, Spelman also quoted at length some of Bodin's examples, and his discussion of the claims made by Calvin for the Spartan ephors "to restraine the insolencie of kings", both pointing out that this was an institution particular to aristocratic and popular commonwealths, not to monarchies.³³ He then added: "this is the substance of that learned Protestants discourse, which is worth your reading at large". We are back with a Protestant Bodin, whose authority was here being used to justify a reading of Calvin that rejected seeing him as a theorist of resistance.

³¹ Sir John Spelman, *A View of a Printed Book Intituled Observations upon His Majesties Late Answers and Expresses* (Oxford: Leonard Lichfield, 1642), 10; Jean Bodin, *The Six Bookes of a Commonweale*, trans. Richard Knolles, ed. Kenneth D. McRae (Cambridge MA: Harvard University Press, 1962), Lviii: 95.

³² Spelman, *A View of a Printed Book*, 26–8 (pages unnumbered at this point = sig. D2v–D3v); Bodin, *Six Bookes of a Commonweale*, ed. McRae, II.v: 222.

^{33'} Spelman, *A View of a Printed Book*, 28–9 (pages unnumbered at this point = sig. D₃–D₃v); Bodin, *Six Bookes of a Commonweale*, ed. McRae, II.V: 224–5.

Spelman, clearly enough, and hardly surprisingly, was using Bodin to argue that a sort of 'sovereignty' lay in the king; but Bodin was being inserted into a frame of a rather different character. Most Royalist writers of the early civil war wrote in the context of what Alan Cromartie has called the "constitutionalist revolution", with a consequent wish to portray the king's government as lawful and law-abiding.³⁴ In this context they tended to defend two propositions: first, that the king possessed a sovereignty that was unmixed, undivided and irresistible; second, that the king was not 'absolute' but ruled according to law. Spelman, at least, made use of Bodin to defend the first proposition, but not the second (even though Bodin's discussions of Salic law, taxation, and even the implications of a king's promise to abide by law, could have given him material to work with, as indeed could Bodin's discussion of the relationship between the form of a state and its government).35 Spelman's argument for the first proposition was not, he said, to "contend that Princes are without law", for "the rights & maners of Kingdoms, are religiously to be observed as well of the Prince as of the People". In fact a "composite" state, blending monarchical, aristocractic and popular elements, was most secure from tyranny. "Absolute power, when it hath neither bound, nor limitation... tends not to prosperity, but to the destruction of itselfe". 36 English government, especially through parliament, of which the king was an essential and animating part, achieved this, while preserving the king's sovereignty, which was inviolate, even when he breached the law.

The great restraint of regall absolutenesse in our State is in the two points of declaring and making Law, in neither of which doth the King depart with any wit of his Soveraignty. In the point [of] declaring of Law, the King is restrained ordinarily to the mediation of his Judges, who to declare the Law by delivery of the genuine sense and interpretation of Law according to art and rules of science, are in their respective Courts the proper and authorized Judges, and Interpreters of Law, and do by their interpretation and judgement then bind both the King and Subject.... As to the restraint of regall absolutenesse in point of making Law... [kings conceded to others the right to consent to law] so as no new Act whatsoever should obtain the Authority of a positive Law without the agreement of the King, the Peeres,

³⁴ Alan Cromartie, *The Constitutionalist Revolution: An Essay on the History of England,* 1450–1642 (Cambridge: Cambridge University Press, 2006), 238–9, 264–9. Cromartie stresses the differences between Royalist and Parliamentarian forms of constitutionalism.

³⁵ Bodin, Six Bookes of a Commonweale, ed. McRae, II.vii: 249–50.

³⁶ Sir John Spelman, Certain Considerations Upon the Duties Both of Prince and People (Oxford: Leonard Lichfield, 1642), 19–21.

and the Commons; to the end that no unadvised Law, not well examined and found agreeing with the interests of every one of the three formall parts of this Kingdom, might in any part maime or enfeeble the established frame, which yet did not so much coop up or curbe the regall power from any due work or office that belongeth to it; as rather close and fence it in, within the bounds of safety and of preservation.³⁷

Spelman's use of Bodin was, then, clearly shaped by the intellectual frame into which he was inserted, one explicitly hostile to the idea of 'absolute sovereignty' but welcoming of some of the implications that came with it.

Bodin's citation by constitutionalist Royalists might, however, be seen to introduce a cuckoo's egg into the nest. Sooner or later, eggs hatch and chicks grow, in the case of cuckoos often to dwarf their surrogate parents and the nest alike. By the mid-1640s more Royalists were willing to follow the logic of absolute sovereignty to its conclusions, and to seek the aid of Bodin in doing so.³⁸ Filmer's Necessity was part of this process, presenting a clear and stark account of absolute monarchical sovereignty, in Bodin's words as rendered by Richard Knolles. One of these writers even thought that Bodin had made too many concessions, Griffith Williams in 1643 suggesting that Bodin's distinction between the form of state (absolute monarchy) and its government (mixed monarchy) was both ridiculous and dangerous.³⁹ Peter Heylyn's Stumbling-Block of Disobedience and Resistance (written in 1644) used Bodin not just to condemn Calvin's concessions to resistance in his account of the Spartan ephors, but also to condemn earlier constitutional royalists for their dangerously moderate views.⁴⁰ His essential point was that in England "we shall behold the King established in an absolute *Monarchy*, from whom the meeting of the *three* Estates in Parliament detracteth nothing of his power and authority Royal. Bodin as great a Politick as any of his time in the Realm of France, hath ranked our Kings amongst the absolute Monarch of these Western parts".41 Extensive use was made of Bodin's many examples, particularly to discuss

 $^{^{37}}$ Spelman, Case of Our Affaires, 3–4; also 10–12 for Spelman's explicit attempt to reconcile his two propositions.

³⁸ For a broader account of the development of Royalist argument during the 1640s see Glenn Burgess, *British Political Thought 1500–1660: The Politics of the Post-Reformation* (Basingstoke: Palgrave Macmillan, 2009), 203–25.

³⁹ Salmon, French Religious Wars in English Political Thought, 95.

⁴⁰ Salmon, French Religious Wars in English Political Thought, 94; Anthony Milton, Laudian and Royalist Polemic in Seventeenth-Century England (Manchester: Manchester University Press, 2007), 130–3.

⁴¹ Peter Heylyn, *The Stumbling-Block of Disobedience and Rebellion, Cunningly Laid by Calvin in the Subjects Way, Discovered, Censured, and Removed* (London: Henry Seile, 1658), 249.

the relationship between royal authority and representative assemblies (the three estates) across Europe, 42 while Heylyn took some delight in pointing out the ways in which the Parliamentarian propagandist William Prynne had misappropriated Bodin's authority. 43

A useful case study in later Royalism is provided by Robert Grosse's Reli*gion and Loyalty*, published in 1647. He made effective use of the Bodinian definition of sovereignty: "Of later writers Bodinus (whose sentence yet is approved with the common consent of the learned) defines this power of the supreame Magistrate (which he calls by the name of Majesty) to be an absolute and perpetuall authority over Citizens and Subjects, and not tyed to any Laws. It is manifest therefore, that all other heads of Majesty are included in this absolute power of making and taking away of Laws: Insomuch, that we may rightly call it, the chiefest power of a Commonweale, comprehended in this one thing, which is, to give Laws to all and every Subject, never to receive any from them ...". This included "The power of making and abrogating Laws at pleasure, as the necessity of the Common wealth shall require". 44 The rights of the sovereign could be neither abrogated nor divided, and subjects were bound to maintain those rights and to defend their prince.⁴⁵ There is a much greater willingness here to use Bodin to develop a point in ways that helped Royalist argument to move beyond the boundaries evident earlier in the 1640s (though Hobbes and his citation of Bodin prefigure this later constellation of ideas). But even here one might still ask whether this is an example of simple authority citation or complex intellectual and creative engagement. The answer may be that the two are not readily distinguished, or rather that they are intertwined—deploying authority might itself exert an influence on what a person writes; and intellectual engagement need not be innocent of the advantages of being on the side of learned authority.

4

It is, possibly, most illuminating to look at those whose use of Bodin is, on the face of it, least likely to be expected. The use of Bodin by defenders of the Parliamentary cause needs a fuller exploration than it can be given

⁴² Heylyn, The Stumbling-Block, 145, 212-13, 242-6.

⁴³ Heylyn, The Stumbling-Block, 259.

⁴⁴ Robert Grosse, Royalty and Loyalty: Or A Short Survey of the Power of Kings Over Their Subjects: And the Duty of Subjects to Their Kings (London: s.n., 1647), 25–6.

⁴⁵ Grosse, Royalty and Loyalty, 30, 33.

here. Several important Parliamentary writers, including Henry Parker and Philip Hunton, made reference to Bodin;⁴⁶ but the most extensive engagement was that in William Prynne's *Soveraigne Power of Parliaments and Kingdomes*. Admittedly, Prynne was an incontinent citer of authority, and it is no surprise that he attracted criticism for "false Quotations".⁴⁷ The chief exhibit brought forward against Prynne in this regard was his use of Bodin, whom he had quoted as a defender of resistance (conveniently ignoring the fact that the passage he quoted referred only to kings who were not absolute).⁴⁸ He defended the accuracy of his quotation, and suggested that in a different place he had refuted Bodin's contention that England possessed an absolute and irresistible monarchy.⁴⁹ The defence was, as it happens, approximately true (Prynne's slipperiness requires the oxymoron). Bodin had been cited at least 63 times in the *Soveraigne Power of Parliaments*; but here the focus will be on two of the most telling.

One of the issues in contention between Charles I and his opponents was the Parliamentary claim made in the 19 Propositions (June 1642) to appoint to the great offices of state. In relation to this matter, Prynne noted that

John Bodin a grand Polititian, truely determines and proves at large, *That it is not the right of election of great Officers, which declareth the right of Soveraignty, because this oft is, and may be in the Subjects, but the Princes approbation, and confirmation of them when they are chosen, without which they have no power at all. It can then be no usurpation at all in the Parliament upon the Kings <i>Prerogative,* to nominate or elect his Councellours, great Officers, and Iudges, or recommend meet persons to him (which is all they require) so long as they leave him a Power to approve and ratifie them by Writs or speciall Patents, in case he cannot justly except against them; Of which power they never attempted to divest his Majesty, though he be no absolute, but only a politick King, as *Fortescue* demonstrates.⁵⁰

⁴⁶ See Salmon, *French Religious Wars in English Political Thought*, 82–5, 98–9 (though, so far as I am aware, Hunton never cited Bodin by name).

 $^{^{47}}$ William Prynne, The Falsities and Forgeries of the Anonymous Author of a Late Pamphlet, (Supposed to be Printed at Oxford but in Truth at London) 1644, Intituled The Fallacies of Mr. William Prynne, Discovered and Confuted (London: Michael Sparke, Senior, 1644), 2.

⁴⁸ Prynne, The Falsities and Forgeries, 2; Bodin, Six Bookes of a Commonweale, II.5, p. 222.

⁴⁹ Prynne, The Falsities and Forgeries, 2-4.

⁵⁰ William Prynne, *The Soveraigne Power of Parliaments and Kingdomes Divided into Foure Parts, Together with an Appendix* (London: Michael Sparke, Senior, 1643), Part II, subsection "The Parliaments Right to Elect Privie Counsellours, Great Officers, and Judges", 45 (the various parts of this work are separately paginated).

As William Lamont has noted, this is slightly odd, given the title of Prynne's work, for it suggests that he was citing Bodin "precisely to show that sovereignty was the concept which Parliament was avoiding in its claim". ⁵¹ Contrast, however, the following passage, which makes use of the Bodinian definition of sovereignty:

Now it is cleare on the contrary side, that the King hath not the power of the whole Realme vested in his person, that he and his Prerogative are not above, but subordinate to the Lawes of the Realme; that he cannot by his absolute regall power, alter the Common Law of the Realme in any particular point whatsoever, that he cannot repeale any old, nor enact any new Law whatsoever, nor impose the least taxe or common charge upon his people, nor imprison their persons, distraine their goods, declare any Law, or reverse any judgement in the meanest of his Courts, without or against his peoples joynt consents in *Parliament....Iohn Bodin* that great Lawyer and Politician, resolves; That the chiefe marke of an absolute and Soveraigne Prince is to give Lawes to all his Subjects in generall, and to every of them in particular without consent of any other greater, equall, or lesse than himselfe. For if a Prince he bound not to make any Lawes, without the consent of a greater than himselfe, he is then a very Subject: if not without his equall, he then hath a Companion (as *Bracton* and others forecited, say our *English* King hath; namely his Earles and Lords, thence stiled *Comites:*) if not without the consent of his inferiours, whether it be of his Subjects, or of the Senate, or of the People; he is then no *Soveraigne.* Whence it followes, that the Kings of *England*, who cannot make any Law to obliege either all or any of their Subjects, nor impose any Taxes, nor repeale any Common or Statute Law, but in and by their Parliaments, are no absolute Soveraigne Princes (as some Royalists and Court Divines, most falsly averre them to be) but meere mixt Politique King, inferiour to their Lawes and Parliaments, the sole Law-makers, Law-alterers, though not against, but with the Kings assent, considered not abstractively as Kings, but copulative as a branch and member of the Parliament. And indeed to speake impartially, though the Kings Royall assent be generally requisite to passe and retifie Lawes: yet I humbly conceive, that the originall, prime, Legislative power of making Lawes to binde the Subjects and their Posterity, rests not in the Kings owne Royall person, or Jurisdiction, but in the Kingdome, and Parliament, which represents it.52

English kings could not have been absolute because they lacked the attributes of absolute sovereignty, as identified by Bodin. Prynne did not deny

 $^{^{51}}$ William Lamont, *Marginal Prynne* $_{1}600-_{1}669$ (London: Routledge & Kegan Paul, 1963), 104–5 (see all of cap. 5 for an account of Prynne's ambivalence about the concept of sovereignty).

⁵² William Prynne, *Soveraigne Power of Parliaments and Kingdomes*, "The Treachery and Disloyalty of Papists to their Soveraignes, both in Doctrine and Practise" [Part 1], 46–7.

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the need for this absolute sovereignty in a commonwealth—he simply located it in parliament, as representative of the kingdom (and which normally included the king). This of course was the refutation of Bodin's assertion that England was an absolute monarchy that Prynne had referred to in his 1644 self-defence.

In 1649 two pamphlets appeared in defence of the army and regicide, under similar pseudonyms, Eleutherius Philodemius and Eutactus Philodemius.⁵³ Both cited Bodin, yet the contrast between them is a reminder of the different citation strategies open to authors. The former cited Bodin six times, either as a source of historical example, or with hostility, rejecting his view that successive monarchy preceded elective and that monarchs were not bound by civil law.⁵⁴ However the pamphlet cited positively Bodin's view that monarchs were bound by the law of God,⁵⁵ and also exploited Bodin's authority as a friend of monarchical authority to turn the tables:

According to the proverb *new Kings new Laws:* hear what *Bodin* speaks (I mention him the oftner because he is a great kingsman) *We commonly* (saith he) *in the changing of Princes, new designs, new Laws, new officers, new friends, new enemies, new habits, and a new form of living: for most commonly Princes take delight to change and alter all things, that they may be spoken of, the which doth many times cause great inconveniences not only to the subjects in particular but also to the whole body of the State.* de Rep. lib. 6. c. 4. But no such prejudice or peril is incident to the other form of Government, whatsoever things are publickly altered, it is maturely don, and upon good ground, and for the general profit and welfare of the people.⁵⁶

The other pamphlet took a different approach, rather more like Prynne, in listing the marks of sovereignty recognized by Bodin and others, but in the context of a demonstration of the point that sovereignty ("Royal Majesty") resided in whatever "person or persons, as the people, by their consent and suffrage, set up to be Magistrates and Rulers over them".⁵⁷ The issue was not the value of the concept of sovereignty, or the way in which it was

⁵³ The latter has been attributed to Anthony Ascham: see comment in Marco Barducci, Anthony Ascham ed il Pensiero Politico Inglese (1648–1650) (Firenze: CET, 2008), 188, n. 157.

⁵⁴ Eleutherius Philodemius, *The Armies Vindication . . . in Reply to Mr. William Sedgwick* (London: Peter Cole, 1649), 40, 41–2, 43, 57–8.

⁵⁵ Philodemius, *The Armies Vindication*, 49, quoting Bodin, *Six Bookes of a Commonweale*, I.x: ed. McRae, 174.

⁵⁶ Philodemius, *The Armies Vindication*, 63.

⁵⁷ Eutactus Philodemius, Genesis es telos eksousias [Greek transliterated]: The Original and End of Civil Power (London: s.n., 1649), 17.

elaborated by Bodin; it was where in England that sovereignty was now located. (Elsewhere in the pamphlet, though, Bodin was blithely cited (in the margin) as an authority who supported the right of the people to resist an obstinately tyrannical ruler.)⁵⁸

5

What does all of this tell us? Are we any closer to understanding Hobbes's decision to quote Bodin in the *Elements of Law*? In answer to these questions, we should first note the sheer difficulty of distinguishing between Bodin's creative use and influence—genuine engagement with his thought—and other sorts of use, particularly authority citation and his value as an icon. They are persistently intertwined. Yet it may be possible to suggest something more than this.

Hobbes's quotation of Bodin was, in essence, to help him answer the question: what is a true *commonwealth*? The central idea in Hobbes's political thought is the one that he linked to Bodin in the quotation which began this essay: no true commonwealth could exist without unified, irresistible and unlimited sovereign authority. By the time he wrote *Leviathan*, Hobbes had refined this central idea to one of considerable elegance, deploying what is sometimes known as authorisation theory. When people formed a commonwealth in *Leviathan* they did not come together happily to form a society and then think about who might rule them (and how). They formed a commonwealth by the simple act of authorising a sovereign to represent them and to bear their person. Sovereignty created commonwealth, not the other way around. No sovereign, no commonwealth.⁵⁹

This was in key respects a Bodinian idea of a commonwealth: "A Commonweale [république, respublica] is a lawfull government of many families, and of that which unto them in common belongeth, with a puissant sovereignty", a definition explicity defended by Bodin as superior to others because (amongst other things) it understood sovereignty to be integral to the definition and being of the commonwealth. The debate over the true commonwealth was the dominant political concern of the English in the 1640s and 1650s (as it had been for much of the Tudor

⁵⁸ Philodemius, Genesis es telos eksousias, 28–9.

⁵⁹ See my fuller account in Burgess, *British Political Thought*, 304–16.

⁶⁰ Bodin, Six Bookes of a Commonweale, ed. McRae, I.i: 1, 3.

period). Sixteenth-century definitions included those of Thomas Starkey (unpublished at the time)—"a common weale which is nothing else, but the prosperous & most perfect state of a multitude assembled together in any country, city or town, governed virtuously in civil life according to the nature and dignity of man..."—and Sir Thomas Smith—"A common wealth is called a society or common doing of a multitude of free men collected together and united by common accord and covenauntes among themselves, for the conservation of themselves aswell in peace as in warre".61 Neither, of course, said anything about the necessity for sovereign authority. The emphasis lay on people living in a condition of order for their common well-being and flourishing; and the concept was compatible with a variety of forms of political rule. For the most part the English commonwealth through to the early seventeenth century was understood in relation to a world in which order was provided by a law that was customary, immemorial and not subject to sovereign intervention. In such an intellectual world, the early English reception of Bodin was largely amongst those with an interest in criticising the common law idea of the commonwealth (civil lawyers, divines), or was a reception that understood Bodin as a theorist of limited monarchy.⁶² But after 1640 this understanding of commonwealth as ordered by customary law was no longer fit for purpose, and attention became focused on the nature and location of sovereign authority. A key part of this during the 1640s was that Parliamentarian theorists began to argue the case that the concept of commonwealth was incompatible with monarchy, because all monarchy tended to absolute monarchy (otherwise it was a form of aristocratic republic); an absolute monarchy was inherently tyrannical; and tyranny was incompatible with the values of a commonwealth, since it did not serve the common good. As Philodemius put it (very possibly with Bodin in mind, as the passage comes soon after a quotation from him), "It is worthy of remembrance, what marks of Soveraignty some do reckon up, as being the *Rights* and *prerogatives* proper to *Monarchs*, I have not the time to name them now, onely from them this followes undeniably, that

⁶¹ Thomas Starkey, *A Dialogue between Pole and Lupset*, ed. Thomas F. Mayer (London: Camden 4th series, vol. 37, 1989), 38; Sir Thomas Smith, *De Republica Anglorum*, ed. Mary Dewar (Cambridge: Cambridge University Press, 1982), 57.

⁶² This is a large point to justify here, but see generally Salmon, *French English Wars in English Political Thought*; Salmon, "Legacy of Jean Bodin"; and my comments in Glenn Burgess, *Absolute Monarchy and the Stuart Constitution* (New Haven CT: Yale University Press, 1996), 63–78.

Monarchy is Tyranny".⁶³ The consequence of this conceptual shift was the declaration, after the execution of Charles I in 1649, that England was now a "commonwealth and free state".⁶⁴

This seems a long way from Hobbes's Bodinian understanding of a true commonwealth as one flourishing only in the shadow of an absolute sovereign. But the distance may not be so great as it seems, and it might be suggested that the argument about the true commonwealth that was at the heart of English political debate in the 1640s was one conducted in a post-Bodinian world—by which is meant a world that bore the imprint of Bodin's ideas, and in which that imprint was felt even on many who did not explicitly cite his work. Discussion of the English commonwealth was conducted in the 1640s in a language that included an idea of absolute sovereignty as part of its vocabulary. That idea was, at least for some writers, associated with Bodin's name, but even for them the use of this vocabulary did not require any first-hand acquaintance with Bodin's work This was nonetheless a world in which Bodin remained a living force, as we can see in some of what we might call the 'moments of engagement' explored in this essay, moments in which his ideas were explicitly confronted, debated contested—or just cited. Cited, but perhaps not *just* cited: the reception of Bodin in the period of the English Revolution was more than a game of uses; Bodin's *influence*—whether direct or mediated—was apparent in the fundamental conceptual structure that was being used to address questions concerning the true nature of a commonwealth, the English commonwealth in particular.

⁶³ Philodemius, Armies Vindication, 63.

⁶⁴ See Glenn Burgess, "Tyrants, Absolute Kings, Arbitrary Rulers and the Commonwealth of England: Some Reflections on seventeenth Century Political Vocabulary", in Cesare Cuttica and Glenn Burgess, ed., *Monarchism and Absolutism in Early Modern Europe* (London: Pickering & Chatto, 2012), 147–58.

CONCLUSION

Howell A. Llovd

As we signalled at the outset, this volume has not attempted a comprehensive inquiry into the reception of Jean Bodin and his works. We have dealt only incidentally or not at all with a number of issues that might have furnished focal points for our investigations. The volume contains no sustained discussion of religious elements in the thought of this most religiously preoccupied of philosophers, though the topic is by no means ignored.1 Again, in respect of this thinker who was first and foremost a jurist we have offered no examination in extenso of his reception of Roman and canon law, his vision of universal law, and how this in turn was received—though responses to Bodin's positions on central questions of public law are certainly assessed in the case of the German Empire and its component parts, furnish an agenda for comparative evaluation of political discourse in a variety of other contexts, and figure elsewhere in relation to other legal questions too.2 Particular thinkers whose ideas evidently informed aspects of his thinking as well as perceptions of his opinions have played in our examination roles less prominent than their importance might seem to warrant.³ As for major thinkers who received and responded to his ideas, Justus Lipsius, who criticized them sharply, has received no mention; nor has Johannes Kepler, who commented at length on Bodin's concept of harmonic justice; while the name of Hugo Grotius, who punctuated his De iure belli ac pacis (1625) with Bodinian observations, has occurred here only incidentally and in the wake of his predecessor in the field, Alberico Gentili.4

¹ For instance, above, pp. 347–8.

² See Friedeburg's chapter, above; also Foisneau, pp. 328–9. See also Blair, p. 147, on legal methodology, also Quaglioni (pp. 371-86) on Bodin and international law.

³ Most notably Machiavelli: on this question see, for instance, Diego Quaglioni, "Il 'Machiavellismo' di Jean Bodin (République V,5-6", Il Pensiero politico 22 (1989): 198-207. Other relevant precursors acknowledged by Bodin included Charles Du Moulin, widely deemed the leading French jurist of his time and "the contemporary author closest to Bodin's preoccupations" (M. Reulos, "Les Sources juridiques de Bodin", in Verhandlungen der internationalen Bodin Tagung in München, ed. H. Denzer, 193 (Munich: C. H. Beck, 1973). For both of these see Valente's chapter, above, pp. 219–35.

4 Lipsius's view of Bodin is noted by Richard Tuck, *Philosophy and Government*, 1572–

^{1651 (}Cambridge; Cambridge University Press, 1993), 62. For Kepler's assessment, Fernand

Of such limitations we are aware. Even so, we may reasonably claim that between us we have accomplished precisely what we set out to do. The foregoing chapters, taken together, illustrate almost all the facets of reception which Peter Burke identified in his opening review of reception theory. The exception is 'passive' reception: in none of these chapters are receivers observed as mere assimilators of ideas 'transmitted' or 'transferred' from elsewhere. In all of them receivers function as 'agents', conduct themselves creatively, perform as active respondents or reactors to and users and adapters of substantial intellectual stimuli gleaned from Bodin or, in his own case, from a multifarious array of sources. The routes by which such stimuli reached them were themselves no inert passageways, and by no means only literary. Thus, we have learned how Bodin contrived in ways other than simply through literary composition to manage communication and reception of his own ideas and even resorted to pseudonomity for the purpose, whilst he himself deployed information assimilated from his 'experiential' world, went beyond conventional source-materials to draw upon evidence delivered in audial as well as in visual form, and engaged shamelessly in 'selective appropriation'. 5 As for literary sources of the kinds upon which humanist scholars set such store, we have seen abundant proof of the range of classical and other authorities upon which the Angevin drew, and how he developed his findings in constructing a 'method' that, for all its Ramist resonances, was distinctively his own: an output widely read and widely criticized, notably by Bartholomew Keckermann, distinguished teacher at Heidelberg and Gdansk and writer with as encyclopaedic a range of academic interests as Bodin's own.6

Hallyn, "Kepler, lecteur de Bodin: la *Digressio politica* de l'*Harmonice mundi*", in *L'Oeuvre de Jean Bodin: actes du colloque tenu à Lyon à l'occasion du quatrième centenaire de sa mort* (Paris: Champion, 2004), 151–66. On Grotius, whose name occurs in Friedeburg's chapter, p. 315, and in Quaglioni's chapter, *ad fin*, see also Thomas Berns, *Souveraineté, droit et gouvernementalité: lectures du politique moderne à partir de Bodin* (Paris: Éditions Léo Scheer, 2005) 0.5

⁵ See comments above, by Blair, Greengrass, Krause, and Machielsen respectively. For 'selective appropriation' see especially Bodin's use of materials culled from the work of his opponent Johann Weyer (discussed by Martin, above, chapter 5).

⁶ For Bodin's would-be syncretic use of classical and other materials, above (Couzinet's chapter 2). Comments on his *Methodus* are in B. B. K. Keckermann, *De natura et proprietatibus historiae commentarius* (Hanover: Gulielmus Antonius, 1610), especially 8, 95–8, 152–60. On Keckermann himself see Joseph S. Freedman, "The Career and Writings of Bartholomew Keckermann (d. 1608)", *Proceedings of the American Philosophical Society* 141 (1997): 305–64.

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For the rest, some examples from the ground we have covered must suffice. Contrasting 'horizons of expectation' are apparent in differing perceptions of the *Methodus* among readers in England and in countries of continental Europe whose divergent responses to it, evident from patterns of marginal annotation in extant copies of the work, indicate on the one hand its adoption for pedagogic purposes as an ars historica, on the other its use as a repository of political, philosophical and other ideas.⁷ Literary 'bricolage' is nowhere better exemplified than in the selective readings of the *République* by Italian philosophers and jurists such as Paolo Maria Doria and Gian Vicenzo Gravina.8 As for 'cultural translation', we have seen how the work of Gaspar de Añastro's presentation of that same text constitutes a determined effort simultaneously to confront Christian Aristotelian political theology with Bodin's theses and to accommodate those theses to Castilian political culture.9 More blatant were Johann Fischart's efforts through marginalia, paragraphing and other techniques at "extending the range of the [Démonomanie] into the German cultural context". 10 The process could cut both ways: thus the telling instance of 'misreception' diagnosed in Bodin's own attempts in the Netherlands to "accommodate political realities to his novel concept of indivisible sovereignty". 11 The concept as he developed it in patently secular terms, coupled with his seeming advocacy of freedom of conscience, was scarcely compatible with the papal and doctrinal orthodoxies of Rome. Yet elements of positive 'negotiation' are discernible even within the church of the Counter-Reformation. Despite the hostility of his works' reception in some quarters, degrees of continuity are intriguingly discernible between certain of Bodin's ideas and those of the church's representatives charged with pronouncing judgement upon them.¹²

Reception, then, was polyvalent. It was shaped by local preconditions in which the predisposition and purposes of the individual receiver would appear to have taken pride of place. But, beyond the individual, modes of receiving were moulded by social, political and institutional circumstances, conditions which not only differentiated France from her European neighbours, but varied widely amongst the latter too. Persistently

⁷ Above, pp. 207 sqq.

⁸ Above, pp. 358–60.

⁹ Above, pp. 264 sqq.

¹⁰ Above, p. 240.

¹¹ Above, pp. 160-1.

¹² See the discussions above by Valente, pp. 228 sqq.; also Comparato, p. 345.

contested, the République, was none the less received overtly in the case of Castile with its powerful monarchical and staunchly Catholic regime where lawyers engaged in vigorous debate over "the secularisation and juridification" of government. 13 In the case of the German Empire it seems that the work's impact upon the sphere of public law must be adjudged minimal despite its provocative significance in the field of politics and its relevance to controversies over rights of territorial princes in relation to the "public constitution" of the Empire itself. ¹⁴ In the case of Italy with its multiplicity of polities, the work's correspondence to many of "the traditional principles of Italian legal scholarship" coupled with the political uses of Bodin's sovereignty thesis went far to offset his unwelcome critique of local constitutions and served if not to neutralize, at least to blunt the effect of the papal Inquisition's condemnation.¹⁵ In the case of seventeenth-century England that same thesis fed into the very heart of debate over issues central to a political culture itself in the throes of transformation: the "debate over the true commonwealth", in effect conducted in "a post-Bodinian world".16

So the 'reception of Bodin' is no simple phenomenon. It is further complicated by the very nature of the works received—by the diversity of the Angevin's writings, the shifts in his focus and in the tenor of his expositions in relation to different subject-areas and at different points in his long writing career. The fortunes of the works themselves varied also, designed as they were to reach different readerships. While the Methodus was written and published only in Latin, 17 no fewer than twenty (86%) of the twenty-three editions of the $D\'{e}monomanie$ appeared in vernacular languages, as did eighteen (70%) of the twenty-six editions of the $R\'{e}publique$. Apart from editions of the entire text, sixteen adaptations or abridgements of the $R\'{e}publique$ had also appeared by the end of the eighteenth century. 18 In contrast, publication of the Theatrum terminated

¹³ Above, p. 291.

¹⁴ See above, pp. 404 sqq.; but cf. p. 372.

¹⁵ Above, p. 350.

¹⁶ Above, pp. 405, 407.

¹⁷ 12 editions to 1650—13 if the identical Strassburg publications of 1598 and 1599 are counted separately; cf. above, pp. 138, 193.

¹⁸ Based on the *Bibliographie critique des editions anciennes de Jean* Bodin, ed. Roland Crahay and his team (Bruxelles: Académie royale de Belgique, 1992). Cf. the extremely useful "Bibliography of the *République*" compiled by Kenneth D. McRae which lists 37 'editions' to 1641, a number of these being, in effect, reissues of existing editions. McRae's schedule consists of 22 French and 10 Latin items, and 5 translations into languages other than French, including 2 German versions. Jean Bodin, *The Six Bookes of a Commonweale*,

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with its third and last Latin edition in 1605. But it was not the language of publication that chiefly determined the longevity or otherwise of a Bodinian work. The *Démonomanie*, a work that exemplified "a kind of protoscience" rooted in a "magical universe of signs, symbols, occult, allegorical and numerological connections", 19 saw no new editions after 1616 apart from von Wiering's eccentric version of 1698. 20 While the Englishman Robert Burton could derive from the *Methodus* ideas on human psychology and physiology that served to inform his *Anatomy of Melancholy* (1621), 21 by 1670 Gottfried Wilhelm Leibniz was dismissing Bodin's treatise as demonstrably unscientific, an exercise rooted in verbal reasoning, Ramist-style, and of a kind incompatible with the proper pursuit of scientific laws as exemplified in Euclidian methodology and recognized by Thomas Hobbes. 22 *Prima facie* it would seem that the fortunes of Bodin's writings might serve as barometers of cultural change, a paradigm shift indeed, in the scholarly world of 'early modern' Europe.

But, as ever with Jean Bodin, the position is far from simple. On the one hand there lay, manifestly, a gulf between "the new mathematical, or experimental" methodologies that were developing from the 1620s onwards and his own reliance upon accumulating and processing by dialectical and rhetorical means instances derived chiefly from bookish learning, albeit enhanced through a "confrontation between ratiocination and experiential testimony".²³ On the other hand, his vision of universal law has been held to foreshadow a "fundamental alteration in the doctrine of natural law" and, coupled with his views on slavery and critique of other institutions, to anticipate "the ecumenical and anthropological projects of the Enlightenment".²⁴ Certainly, in so far as the Enlightenment is to

trans. Richard Knolles, ed. Kenneth D. McRae (Cambridge, MA: Harvard University Press, 1962), A78–A86.

¹⁹ N. Panichi, Les Liens à renouer: scepticisme, possibilité, imagination politique chez Montaigne (Paris: H. Champion, 2008), 317.

²⁰ Above, pp. 252 sqq.; cf. pp. 134 sqq.

²¹ Above, pp. 197, 211–12.

²² Leibniz, *Philosophischer Briefwechsel*, vol. 1 (1663–1685) (Berlin: Akademie Verlag, 1987), 55.

²³ The issue is explored in relation to natural philosophy by Ann Blair, *The Theater of Nature: Jean Bodin and Renaissance Science* (Princeton, NJ: Princeton University Press, 1997), especially 225–32. Cf. above, p. 95.

²⁴ Simone Goyard-Fabre, "Commentaire philosophique de l'*Exposé du droit universel*", in Jean Bodin, *Exposé du droit universel*: *Juris universi distributio*, trans. Lucien Jerphagnon (Paris: Presses Universitaires de France, 1985), 170. See also Miriam Yardeni, "Barbares, sauvages et autres: l'anthropologie de Jean Bodin", in *Jean Bodin: actes du colloque interdisciplinaire d'Angers*, 1984, 2 vols. (Angers: Presses de l'Université d'Angers, 1985), 2: 461–8.

be located on one side of a fundamental divide "between the created and providential and non-created and non-providential schemes of reality", 25 it is to the other side of the divide, to the former of these "schemes", that Jean Bodin and his philosophy must be assigned. Yet that same Bodin, advocate of freedom of conscience, provided in a work that circulated clandestinely among the 'erudite libertines' of the seventeenth century an exploration of religious creeds that served to fertilize the gestation and dissemination of ideas potentially subversive of the prevailing moral and religious order. 26 Indeed, a copy of the *Colloquium heptaplomeres* seems to have been prepared for publication by three of the most powerful intellects of the early Enlightenment age: Leibniz himself, his former teacher Jacob Thomasius, and Hermann Conring. 27

More enduring than any was the reception of his most frequently republished and widely distributed book. The *République*'s initial publication and early reissues occurred at a time of intense interest in politics in many parts of Europe.²⁸ It fertilized the thinking of Alberico Gentili upon which Grotius "modelled" his "general theory", in turn a basis, we are advised, of "modern liberal rights theories which he had launched".²⁹ Late in the following century, abstracts of the *République* together with information from and comment on the work were still appearing in Pierre Rousseau's *Journal encyclopédique*.³⁰ Boasting among its contributors Voltaire and the radical Nicolas Chamfort, the *Journal* survived, from its launch in 1756 into the early years of the Revolution, as a significant instance of the numerous collaborative compendia that served to spread knowledge of all descriptions more widely—including, in that *Journal*'s case, acquaintance with aspects of Diderot and d'Alembert's *Encyclopédie*.

²⁵ Jonathan Israel, *Democratic Enlightenment: Philosophy, Revolution and Human Rights*, 1750–1790 (Oxford: Oxford University Press, 2011), 19.

²⁶ See François Berriot, "La Fortune du *Colloquium heptaplomeres*", in Jean Bodin, *Colloque entre sept sçavans qui sont de differens sentiments des secretz cachez des choses révélées*, ed, Berriot (Geneva: Droz, 1984), XV–L. See also René Pintard, *Le Libertinage erudit dans la première moitié du XVIIe siècle*, 2 vols. (Paris: Boivin, 1943), 1: 43.

²⁷ Richard H. Popkin, "The Dispersion of Bodin's Dialogues in England, Holland and Germany", *Journal of the History of Ideas*, 49 (1988): 159. See also Popkin, "The Religious Background of Seventeenth-Century Philosophy", in *The Cambridge History of Seventeenth-Century Philosophy*, ed. Daniel Garber and Michael Ayers, 2 vols. (Cambridge: Cambridge University Press, 1998), 1: 415–16.

²⁸ For example, above, pp. 225, 258-9.

²⁹ Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Oxford: Oxford University Press, 1999), 108. Cf. above, p. 414.

³⁰ Details in Couzinet, Jean Bodin, 51 (no. 148).

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But, as the example of Grotius indicates, the *République* was far more than just a quarry of curious knowledge.

For Bodin's leading ideas as expounded in that extraordinary work may be argued with more than a little plausibility to have set for political discourse an agenda that reverberated down the centuries. Was not a reception of those ideas reflected in "the legislative framework of sovereign independent statehood" which the founding fathers of the United States seem to have adopted as a guiding principle for their constitutional formulations?³¹ And was not such a reception also present, albeit unacknowledged, in the legal philosopher John Austin's "command" theory of law, in his assessment of differences between "legislative" and "executive or administrative" powers, and above all in his elaborate definition of sovereignty as "supreme power...incapable of legal limitation" apart from "the law of God" and "positive morality"? 32 Even so, it was the dissemination of knowledge for higher purposes that lay at the heart of Austin's endeavours, as of Bodin's. When the early Victorian professor of jurisprudence discussed his doctrines with his friend Jeremy Bentham or with his pupil John Stuart Mill, he did so not by virtue of Bodinian 'influence', but in effect as a 'creative receiver' and with comparable instructive aims in view. Austin declared it as his aim through his lectures as a university teacher to overcome "misconceptions" in the service of "truth". And likewise the Angevin: the jurist whose career had begun with an Oratio on education addressed to the citizens of Toulouse; the advocate of history, in its highest form and methodically approached, as the means of "extending reverence towards God, duty towards parents, charity towards individuals, and justice to all";33 and the political philosopher who announced at the outset of his greatest work his ambition to overcome "in the language of the people" the "ignorance" that threatened to reduce even the splendid république of France to "ruin".34

³¹ A. London Fell, *Origins of Legislative Sovereignty and the Legislative State*, 6 vols.: vol. 6: American Tradition and Innovation with Contemporary Import and Foreground, Book 1: Foundations (to early 19th Century) (Westport CT: Praeger, 2004), 100. I owe this reference to a suggestion by Mark Greengrass.

³² John Austin, *The Province of Jurisprudence Determined* (London: John Murray, 1832), 385, 245, 200, 233.

³³ "... religio adversus Deum, pietas in parentes, charitas in singulos, iustitia in omnes propagatur": Bodin, *Methodus* (1566), 4.

³⁴ Austin, *Province*, p. xv; Bodin, "Preface" to *République* (1583), sigs ā ij–ā vo).

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